

**Comments of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied
Industrial and Service Workers International Union (USW)
on the
U.S. Department of Labor, Occupational Safety and Health Administration (OSHA)
Proposed Revision
on
Amending the Medical Evaluation Requirements in the
Respiratory Protection Standard for Certain Types of Respirators**

**Docket Number: OSHA-2025-0006
Regulation Identification Number: 1218-AD48**

Filed Electronically: [regulations.gov](https://www.regulations.gov)

October 31, 2025

These comments are submitted on behalf of the United Steelworkers Union (USW or Steelworkers). Our union is the largest industrial union in North America, representing workers in steel, aluminum, and other metals; paper; oil; rubber; plastics; glass; cement; mining; energy; chemicals; refining; utilities; health care; atomic; education; manufacturing; service; and other sectors.

The United Steelworkers oppose the proposed rule and believe that the changes described in the proposal will decrease worker safety and health, a contradiction to OSHA's mission, "*to assure America's workers have safe and healthful working conditions free from unlawful retaliation.*" Removing protections for workers is a departure from the fundamental purpose of the Occupational Safety and Health Administration (OSHA or the Agency) and its responsibilities under the Occupational Safety and Health Act (the OSH Act).

OSHA's justification in proposing the removal of the requirement for medical evaluations before the use of any type of respirators is misguided. Relying on the lack of studies or lack of data, is not the same thing as relying on existing data that supports the Agency's position. This is a misuse of the Agency's authority, to assume that since the data does not exist, it must support their position for removal of the medical evaluation requirements.

The Agency also argues that a small number of workers (2% or less) do not pass the medical evaluation. OSHA states:

"In practice, few workers have their respirator use limited. Additionally, we currently have no ability to estimate, to the agency's knowledge, how many adverse events are being avoided by restricting the use of [filtering facepiece respirators] and [loose-fitting powered air-purifying respirators] by workers. As such, it is difficult to ascertain whether there is material impairment in these scenarios if a worker who should be restricted is permitted to use a respirator."

What OSHA is proposing, is to utilize the American workforce as lab rats, guessing that employees provided these types of respirators will not experience adverse health effects, based solely on the absence of data.

OSHA has previously determined “the potential for adverse health effects resulting from respirator use, even for healthy employees using respirators designed for low breathing resistance and used for short durations” and “respirator use would impose a substantial risk of material impairment to the health of employees who have preexisting respiratory and cardiovascular impairments” ultimately coming to the correct conclusion “the use of any respirator requires a prior medical evaluation to determine fitness.”

The proposed deregulation, just because there are few employees that are removed from the hazard that respirators can create, is a direct violation of Section 6(b)(5) the OSH Act:

“The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life.”

The entire paragraph included in the proposed rule that reads:

“In the apparently rare circumstance that a worker develops symptoms from wearing an FFR or loose-fitting PAPR, these scenarios are not Immediately Dangerous to Life or Health (IDLH) situations. This is so because FFRs and loose fitting PAPRs are not permitted to protect employees in IDLH environments. Therefore, the worker should be able to seek safety with an exposure well below expected thresholds for adverse health outcomes. This is in contrast to other respirators—(e.g., self-contained breathing apparatus (SCBA)—) that would be required in more dangerous exposure environments.”

Contains nothing but assumptions. Employees that are utilizing these types of respirators should be able to rely on the use of the respirator to protect them from any exposures to workplace hazards, not just those that are IDLH environments. No employee should have to make the choice of being exposed to a workplace contaminant or experiencing adverse health effects due to respirator use. This is the situation OSHA is proposing to put workers into.

Conclusion

The OSH Act, Section (6)(b)(5) states:

“Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws.”

OSHA has already shown this rule was necessary to attaining the highest degree of protections for employees, demonstrated the feasibility of the rule, and showed it is based on the scientific data in the field. This deregulatory action removes the vital worker protections OSHA has already deemed to be necessary, and the Agency must withdraw the proposed changes, as they are an abandonment of both OSHA’s statutory and ethical responsibilities.

Respectfully submitted,

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