

June 30, 2026

David Keeling

Assistant Secretary of Labor for Occupational Safety and Health
U.S. Department of Labor
200 Constitution Avenue Northwest
Washington, DC 20210

Re: Comments on Amending the Medical Evaluation Requirements in the Respiratory Protection Standard for Certain Types of Respirators [Docket # OSHA-2025-0006]
Submitted via Regulations.gov

Dear Assistant Secretary Keeling,

The American Health Care Association and National Center for Assisted Living (AHCA/NCAL) is the nation's largest association of long-term and post-acute care providers. Our members provide essential care to millions of individuals in more than 15,000 nursing homes, assisted living communities, and centers for individuals with intellectual and developmental disabilities. AHCA/NCAL aims to improve lives by delivering solutions for quality care.

We appreciate the opportunity to comment on OSHA's proposed rule, which would remove some medical evaluation requirements in the Respiratory Protection Rule for certain types of respirators. OSHA also notes that this proposed change would only impact filtering facepiece respirators and loose-fitting powered air-purifying respirators. While we understand that the comment period was reopened following review by the Advisory Committee on Construction Safety and Health (ACCSH), AHCA/NCAL remains supportive of removing certain medical evaluation requirements under the Respiratory Protection Rule for specific types of respirators.

AHCA/NCAL's support is focused on the proposed exemption for filtering facepiece respirators and loose-fitting PAPRs. We are not suggesting any reduction in the broader respiratory protection program requirements, such as hazard assessment, training, fit testing where applicable, respirator selection, and program oversight.

During the COVID-19 pandemic, OSHA's requirements to conduct medical evaluations for certain respirators and loose-fitting powered air-purifying respirators aimed to help protect healthcare workers from COVID-19 hazards. Undoubtedly, this significantly increased the operational tasks for long term care staff because respirator use expanded significantly. No healthcare setting felt the impact of COVID-19 more than long term care. We have come a long way since then, and fortunately, the threat of COVID-19 and other airborne diseases has greatly diminished. Long term care providers are committed to preventing, monitoring, treating, and reporting COVID-19 and other respiratory virus illnesses among their residents and staff. However, we are no longer in the throes of a

pandemic. The Public Health Emergency (PHE) for the COVID-19 pandemic ended in May 2023—more than three years ago.

While we acknowledge that the medical evaluation requirement existed before the COVID-19 pandemic, maintaining it is no longer appropriate. As noted in the proposed rule, despite large increases in respirator usage after the emergence of COVID-19, no evidence has surfaced illustrating the need for medical evaluations for filtering facepiece respirator (FFR) or loose-fitting powered air-purifying respirator (PAPR).

Removing unfounded requirements also helps support patients over paperwork. In the previously released proposed rule, OSHA noted an estimated annual cost savings of \$75,039,953 annually from the removal of these provisions. While creating government efficiencies is important, creating opportunities for enhancing care is a core priority. By relieving nursing homes and assisted living providers of this burdensome requirement, staff can devote more time to delivering high-quality care.

The safety and well-being of our residents and staff remains the highest priority of America's long term care facilities. We appreciate OSHA supporting these efforts by refining its Respiratory Protection Rule according to our nation's current public health needs. Thank you for considering these comments. Please feel free to reach out to Hawley Hunt at hhunt@ahca.org with any questions or for more information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clifton J. Porter II', with a stylized, cursive script.

Clifton J. Porter II
President & CEO