

Employers that require employees to wear respirators including N95's and KN95's must have the following:

- A written program Respiratory Protection Program that which include, at minimum, the following provisions:
  - a) Procedures for selecting respirators for use in the workplace;
  - b) Medical evaluations of employees required to use respirators;
  - c) Fit testing procedures for tight-fitting respirators;
  - d) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;
  - e) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;
  - f) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;
  - g) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
  - h) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and
  - i) Procedures for regularly evaluating the effectiveness of the program.
- Respiratory Medical Evaluations may be conducted by:
  - a) physicians
  - b) physicians' assistants
  - c) certified (master's prepared) nurse practitioner clinical nurse specialist
  - d) certified occupational health nurse
- **Note:** Medical Evaluations and Fit testing must be conducted prior to requiring an employee to wear a respirator in the workplace.
- Reporting Requirements:
  - a) Under [29 CFR 1904.39\(b\)\(6\)](#), an employer must "report a fatality to OSHA if the fatality occurs within thirty (30) days of the work-related incident." For cases of COVID-19, the term "incident" means an exposure to SARS-CoV-2 in the workplace. Therefore, in order to be reportable, a fatality due to COVID-19 must occur within 30 days of an exposure to SARS-CoV-2 at work. The employer must report the fatality within eight hours of knowing both that the employee has died, and that the cause of death was a work-related case of COVID-19. Thus, if an employer learns that an employee died within 30 days of a work-related incident, and determines afterward that the cause of the death was a work-related case of COVID-19, the case must be reported within eight hours of that determination.
  - b) Under [29 CFR 1904.39\(b\)\(6\)](#), employers are only required to report in-patient hospitalizations to OSHA if the hospitalization "occurs within twenty-four (24) hours of the work-related incident." For cases of COVID-19, the term "incident" means an exposure to SARS-CoV-2 in the workplace. Therefore, in order to be reportable, an in-patient hospitalization due to COVID-19 must occur within 24 hours of an exposure to SARS-CoV-2 at work. The employer must report such hospitalization within 24 hours of knowing both that the employee has been in-patient hospitalized and that the reason for the hospitalization was a work-related case of COVID-19. Thus, if an employer learns that an employee was in-patient hospitalized within 24 hours of a work-related incident, and determines afterward that the cause of the in-patient hospitalization was a work-related

case of COVID-19, the case must be reported within 24 hours of that determination. See 29 CFR 1904.39(a)(2), (b)(7)-(b)(8).

- Consultative Services: [https://www.tn.gov/content/dam/tn/workforce/documents/Request-for-Consultation-Services\\_TOSHA.pdf](https://www.tn.gov/content/dam/tn/workforce/documents/Request-for-Consultation-Services_TOSHA.pdf)
- <https://www.osha.gov/sites/default/files/respiratory-protection-covid19-long-term-care.pdf>
- <https://www.tn.gov/workforce/employees/covid-19.html>



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