

January 18, 2022

The Hon. Douglas Parker
Assistant Secretary
Occupational Safety and Health Administration (OSHA)
U.S. Department of Labor
Washington, DC 20201

Dear Mr. Parker

Congratulations on your confirmation as Assistant Secretary of Labor for Occupational Safety and Health! You are leading OSHA at time when the agency is in the national news like never before.

The International Safety Equipment Association (ISEA) is the U.S. trade association for companies that design, test, manufacture and supply personal protective equipment (PPE). The association is the secretariat for American National Standards for dropped object prevention solutions (ANSI/ISEA 121); emergency eyewash and shower equipment (Z358.1); eye and face protection (ANSI/ISEA Z87.1), first aid kits (ANSI/ISEA Z308.1); gloves (ANSI/ISEA 107), head protection (Z89.1), high visibility apparel (ANSI/ISEA 107); gas detector tubes, limited use, and disposable coveralls.

Nationwide, the safety equipment industry supports **345,001** total jobs and generates economic activity of more than **\$71.6 billion**. In addition, more than **111.1 million** workers across the U.S. are protected by the safety equipment our members produce and ISEA represents¹.

We want to take this opportunity as you assume your role at OSHA, to articulate a unified agenda of action items on which ISEA can partner with OSHA to accomplish. Our association has a long history of collaboration with OSHA – many of our standards are adopted by reference in OSHA regulations. We want to ensure our efforts to advance worker safety are as useful to the agency as possible, and that the insights and expertise of our member companies is leveraged as much as possible. Below is a list of high priority items that can immediately benefit workers, covering a wide range of PPE-related regulations. Future consultation between OSHA and ISEA is welcomed to develop a more comprehensive coverage of occupational safety and health issues.

In addition to the specific recommendations below, ISEA's members have greatly value the OSHA partnership we historically have had with the agency. The partnership has laudable goals of increased worker protection. These goals, and the communication pipeline that the partnership

¹ More information on this is available at <https://safetyequipment.org/industryimpact/>

provides, allow our industry to work closely with OSHA to advance worker safety. We look forward to working with you and the agency in the future. One example of future partnership opportunities is an impact assessment that ISEA has just completed and made available to the public. To our knowledge, the granular breakdown of workers protected by job type and protection type, is new and novel information, and we hope that it is useful to OSHA. www.safetysafetyequipment.org/industryimpact.

PPE for Infectious Diseases

ISEA and our member companies supported the Emergency Temporary Standard as a vital component of worker safety during the current, and also possible future public health emergencies. During the Covid pandemic, our industry has been asked to provide extensive guidance and clarification for the selection and use of PPE – information that in many cases we are unable to provide. Should OSHA move forward with an infectious disease standard, ISEA recommends:

OSHA refer to protective garments that meet either ASTM F1670, ASTM F1671² or EN 14126³, which addresses CE standard for biological hazards. Many end-users are unsure what protective garment to use to reduce exposures to hazardous biological pathogens. Garments meeting these standards are designed to protect against such exposures.

The ETS contained language relating to facemasks. Should future standards also reference facemasks, ISEA asks they not be included in the same sections as PPE, because they are not PPE and not designed as such.

We ask that OSHA keep in place an earlier memorandum, issued on October 2, 2020⁴, regarding tight-fitting PAPR fit-testing waivers.

Hearing Protection

As you likely know, the House Appropriation Committee, in its report language for OSHA for FY22 funding, recommended the agency “lower the current permissible exposure level to 85 dBA

² Standard Test Method for Resistance of Materials Used in Protective Clothing to Penetration by Blood-Borne Pathogens Using Phi-X174 Bacteriophage Penetration as a Test System

³The following five standards comprise EN 14126: ISO 16603, Blood penetration; ISO 16604, blood borne pathogens, ISO 22610, Microbial penetration; ISO 22611, Liquid aerosol penetration and ISO 22612, Dry microbial penetration.

⁴ ISEA asks that the temporary enforcement waiver on fit-testing PAPRs be included in the ETS, if an ETS is published. (<https://www.osha.gov/memos/2020-10-02/temporary-enforcement-guidance-tight-fitting-powered-air-purifying-respirators>)

TWA using a 3 dB exchange rate. Such a change would substantially reduce the excess risk of developing occupational noise-induced hearing loss over a working lifetime...”⁵

ISEA urges OSHA to take decisive action to reduce the noise exposure limit and exchange rate to protect US workers from hazardous noise. Almost all other jurisdictions around the globe protect workers with a noise PEL of 85 dB(A) for an 8-hour Time Weighted Average. It is estimated that reducing the PEL from 90 dB(A) to 85 dB(A), will reduce the percent excess risk of developing hearing loss from 25% to 8% ([NIOSH,1998](#), See Table 3-4). This action alone carries substantial, beneficial implications to the future hearing health of our workforce.

Given the number of workers at risk for Noise Induced Hearing Loss, reducing exposures to or below 85 dB(A) is imperative, something that can be accomplished by requiring the use of hearing protection at 85 dB(A). Taking such immediate action protects workers’ hearing until solutions such as engineering or administrative controls can be implemented.

Furthermore, despite decades of technological advances and scientific learnings, the hearing conservation amendment has not been revised since 1983. There are numerous advancements that should be imbedded in OSHA regulations to prevent noise-induced hearing loss and other negative health effects associated with hazardous occupational noise exposure, thereby reducing the worker, employer, and societal burden.

Dropped Object Prevention Solutions – Incorporate standard in the construction regulations

Dropped object prevention solution devices tether hand-tools and similar objects workers, who are working aloft. These devices are also indirectly protective for workers that work below those working above.

American National Standard for Dropped Object Prevention Solutions is the national consensus standard for devices that prevent hand tools and other objects carried to elevated workplaces from falling to lower levels. The standard makes certain these devices will provide the necessary safety measures when needed. There are two safety measures here:

First, these devices protect those in the drop zone and those in the larger worksite⁶. Second, use of these devices eases the fatigue of workers, who would have to climb down to get the tool and back up to the worksite.

As Congress moves to fund expansion of broadband internet access, ANSI/ISEA-121-2018 would increase worker safety as an increased number of workers climb communication towers.

⁵ House Report 117-96, [link](#), pages 34-35

⁶ IN 2014, a construction worker was killed as a 1-lb tape measure ricochet and killed a drywall installer ([link](#))

Heat Stress

While ISEA will submit comments, ISEA supports not only a heat stress standard, but also a cold-stress standard. We look forward to a continued discussion on protecting workers from extreme weather environments.

Fall Protection Regulations – Issue a National Emphasis Program on falls to lower levels

Fatal falls to a lower level have been a persistent source of worker deaths. With the \$100 million in the American Rescue Plan allocated to OSHA⁷, the agency must create a strong national emphasis program that tracks with the [top 10 citations in construction](#), which are mostly related to falls to a lower level. In fact, falls-related citations amount to 78% of citations in this category⁸

There should also be greater references to ANSI/ASSE Z359, the fall protection code. This consensus standard is not only recognized in the [Cal/OSHA regs](#), but also globally.

Hand Protection – Incorporate ANSI/ISEA 105 into the PPE regulations

More than 103.7 million American workers' hands are protected by the safety equipment industry⁹. These products protect workers from biological, crush/impact and chemical exposures and more. The Bureau of Labor Statistics show there were more than 120,000 hand injuries.

ISEA asks OSHA to consider incorporating by reference ANSI/ISEA 105-2016, the American National Standard for Hand Protection Classification. This standard could aid worker safety in various industry sectors. For example, while OSHA does not have an MSD standard, ANSI/ISEA 105 has a test method for vibration reduction. For those in healthcare, the standard also includes a test for Hypodermic Needle Puncture Resistance. Finally, for employers, the ANSI/ISEA 105 standard also includes a section on "Recommended Hand Protection Selection Procedure."

Safe Work @ Heights

Taken together, Dropped Objects Prevention Solutions, Fall Protection, Head Protection, and Hand Protection can all be taken together to promote Safe Work @ Heights. ISEA believes the Campaign to Stop Construction Falls should be updated to focus on Safe Work @ Heights, which encompasses a range of safety features along with one, more expansive safety mindset.

⁷ HR 1319, [Sec. 2101\(b\)\(1\)](#): Not less than \$100,000,000 shall be for the Occupational Safety and Health Administration, of which \$10,000,000 shall be for Susan Harwood training grants and not less than \$5,000,000 shall be for enforcement activities related to COVID-19 at high risk workplaces including health care, meat and poultry processing facilities, agricultural workplaces and correctional facilities.

⁸ 12,848 citations out of 16,311 citations written in the 10 ten regulations cited in construction were falls related.

⁹ ISEA economic impact report ([link](#))

Eye and Face Protection & Industrial Head Protection - Updating the references

Eye and Face Protection - OSHA's references to [ANSI Z87.1](#), American National Standard for Occupational and Educational Eye and Face Protection Devices – found in the General Industry, Construction and Maritime regulations – are out of date.

In 2015, OSHA decided to reference the three most recent standards, as way to minimize employer obligations. We agree this system works, but the agency needs to propose a direct final rule to update references to this standard. (Docket number OSHA-2014-0024)

The current regulations reference Z87.1-1998, -2003 and -2010. The three most current versions are 2020, 2015 and 2010. The proposed ETS, in Sec. 509, referenced these up-to-date standards.

The 2020-version of the standard is more protective for workers because it includes tests and metrics that allow manufacturers to provide products offering protection against sodium lights, UV radiation and more.

Industrial Head Protection – The issues related to industrial head protection are similar to eye and face protection. OSHA's references to ANSI/ISEA Z89.1 are also out of date, but they could be updated with a Direct Final Rule.

The current regulations reference Z89.1-1997, -2003 and -2009. However, the three most current versions are 2019, 2014 and 2010. Benefits of the current Z89.1 standard includes: a requirement for proper labeling, which helps both end-users and purchasing managers; a requirement that hard hats labeled for use in high heat conditions must pass all test metrics after a four-hour high heat preconditioning and various quality assurance requirements.

Emergency Eyewash and Shower Standard – Incorporate Z358.1 into the regulations

OSHA would do well to follow California's lead on this safety device. The 2019 California Plumbing Code, Sec. 416 requires the use of ISEA Z358.1-compliant emergency eyewash and shower equipment.

In addition, California references Z358.1 in its worker safety regulations: "[Hazardous Substances.](#)" California's Directorate of Industrial Relations (Cal/OSHA) realized the benefit to employees and employers to provide this level of specificity in the regulations. Federal OSHA should do the same because it will make worksites with exposures to corrosive materials more protective for workers.

At 29 CFR 1910.1910.151(c), OSHA requires employers to provide immediate access to “suitable facilities for quick drenching or flushing of the eyes and body” for workers who may be exposed to injurious corrosive materials. More specificity would lead to more protection for workers.

Currently, compliance to Z358.1 is a random patchwork that spans city to city, county to county and state to state. The nation’s workforce will be best served by OSHA’s adoption of this standard.

High Visibility Protective Apparel – Reference the revised MUTCD when available

In 2002, [OSHA began to incorporate by reference the Federal Highway Administration’s \(FHWA\) Manual of Uniform Traffic Control Devices \(MUTCD\)](#), which includes rules for safe work practices for those working on and within the right-of-way of public and private roads and on highways. This includes requirement for workers, first responders, and even crossing guards to wear high visibility safety apparel.

Referencing the MUTCD is how OSHA enforces the use of high visibility safety apparel for those exposed to vehicular traffic. We urge OSHA to reference this document as soon as it is updated.

Instrumentation and gas detection – Guidance needed for safe H₂S exposures

Hydrogen Sulfide (H₂S) is the most common hazardous gas exposure in the oil and gas industry – both upstream and downstream. ACGIH, in 2017, published a Threshold Limit Value of 1 ppm for H₂S. Many found this to be unworkable, including Cal/OSHA. In fact, Cal/OSHA chose an H₂S PEL of 10 ppm, which is also NIOSH’s recommended exposure level (REL). Cal/OSHA also sets forth a short-term exposure limit of 15 ppm and a ceiling limit of 50 ppm.

At this extreme low level, of 1 ppm, instability across temperature, humidity and air pressure may cause nuisance alarms even when H₂S gas is not present.

ISEA asks OSHA to begin the work to reduce the PELs for H₂S, and Carbon Monoxide and Sulfur Dioxide, two other common gases in the oil and gas exploration and refining process.

Short of that, OSHA should make statements urging employers to use modern exposure limits that are lower than the current PELs, and thus more protective for workers. For example, in 2014, OSHA Assistant Secretary David Michaels stated *"Many of our chemical exposure standards are dangerously out of date and do not adequately protect workers...While we will continue to work on updating our workplace exposure limits, we are asking public health experts, chemical manufacturers, employers, unions and others committed to preventing workplace illnesses to help us identify new approaches to address chemical hazards."* ([link](#))

OSHA could also require in citation settlements involving these chemicals that employers implement, on a company-wide basis, lower PELs, including an H₂S PEL of 5 ppm.

Protective Workwear Garments and PFAS – Heat and flame protection

There is an increased focus and discussion on Per- and polyfluoroalkyl substances (PFAS) at the state, local, national, and even international levels. PFAS chemicals have several properties that make industrial workwear garments protective for workers.

Garments with PFAS protect workers from heat and flame exposures. In fact, turn-out gear for fire services includes PFAS because this chemical is the best means for protection from flame, in addition to protection from heat, oil, grease and water.

Connected Worker – OSHA must begin to focus on this emerging issue

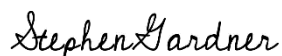
Looking to the future, OSHA should be aware of the growing generation and use of this type of connected data with Internet of Things (IoT) PPE technology coming into use for workplace safety. While this technology could greatly improve worker safety outcomes, there are also worker data privacy issues which must be addressed so workers and employers can trust how it is collected and used. To get an understanding of these issues, ISEA recommends OSHA consider:

- OSHA-HHS/OGC, Office of Civil Rights (OCR) working group where OSHA can learn about data privacy protections found in HIPAA and consider their applicability to worker safety data collection in the workplace
- Asking NACOSH to create a work group on this topic, and make worker safety data privacy protection recommendations to the Assistant Secretary
- Tasking OSHA's Technology Support and Emergency Management Directorate to create a working group to include, NIOSH, NIST, Consumer Technology Association (CTA), ISEA and others to address this issue and make recommendations.

Assistant Secretary Parker, I recognize this is an extensive list. However, it also shows there are number of areas where OSHA and ISEA can work cooperatively to improve workplace health and safety for the nation's workforce.

Please feel free to contact me at sgardner@safetysafetyequipment.org or at (202) 550-3309 to further discuss these matters.

Sincerely,



Stephen Gardner
Interim President and CEO