

On Sunday, March 15, 2020 Governor Janet Mills signed a Civil Emergency Proclamation to Respond to COVID-19 in Maine. This Emergency Proclamation gives her the authority to suspend the enforcement of laws.

Effective March 16, 2020 the Maine Department of Labor, Bureau of Labor Standards will temporarily adopt the Occupational Safety and Health Administration's (OSHA) enforcement guidance for N95 respirators for state and local government healthcare employers.

OSHA's temporary enforcement guidance recommends that healthcare employers change from a quantitative fit testing method to a qualitative testing method to preserve the integrity of N95 respirators. Additionally, OSHA field offices have the discretion to not cite an employer for violations of the annual fit testing requirement as long as employers:

- § Make a good faith effort to comply with the respiratory protection standard;
- § Use only NIOSH-certified respirators;
- § Implement strategies recommended by OSHA and Centers for Disease Control and Prevention for optimizing and prioritizing N95 respirators;
- § Perform initial fit tests for each healthcare employee with the same model, style, and size respirator that the employee will be required to wear for protection from coronavirus;
- § Tell employees that the employer is temporarily suspending the annual fit testing of N95 respirators to preserve the supply for use in situations where they are required to be worn;
- § Explain to employees the importance of conducting a fit check after putting on the respirator to make sure they are getting an adequate seal;
- § Conduct a fit test if they observe visual changes in an employee's physical condition that could affect respirator fit; and
- § Remind employees to notify management if the integrity or fit of their N95 respirator is compromised. <https://www.osha.gov/memos/2020-03-14/temporary-enforcement-guidance-healthcare-respiratory-protection-annual-fit>

The temporary guidance will remain in effect until further notice.