

**U.S. Department of Labor**

Assistant Secretary for  
Occupational Safety and Health  
Washington, D.C. 20210



MAR 15 2005

The Honorable Roger F. Wicker  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Wicker:

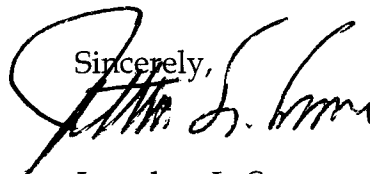
Thank you for your letter dated January 25, 2005, in which you request that the Occupational Safety and Health Administration (OSHA) repeal the Respiratory Protection Standard (29 CFR 1910.134) and reinstate 29 CFR 1910.139 to apply to occupational exposure to tuberculosis (TB).

In order to reinstate the standard for respirators used to protect against TB that existed prior to December 31, 2003, OSHA would be obliged to undertake notice-and-comment rulemaking. As part of sustaining a successful rulemaking, the agency would need to scientifically justify that TB droplet nuclei behave differently than other airborne particulate contaminants and necessitate a different regulatory approach to the question of respiratory protection. OSHA is not presently aware of a body of scientific evidence demonstrating this relationship.

Your letter also mentions recently proposed guidance from the Centers for Disease Control and Prevention (CDC) that recognizes the importance of initial and periodic fit testing to ensure the effectiveness of respirators in providing workers with needed respiratory protection. OSHA concurs with CDC on the need for periodic fit testing. OSHA believes annual fit testing is an appropriate standard to ensure that respirators continue to provide protection for employees. However, OSHA will continue to work cooperatively with CDC regarding this matter.

Finally, please be assured that OSHA has complied with and will continue to comply with statutory language included in the Consolidated Appropriations Act of 2005 prohibiting OSHA from expending any appropriated funds to enforce the annual fit testing requirement when respirators are used for protection against TB.

We appreciate your continued interest in this issue.

Sincerely,  


Jonathan L. Snare  
Acting Assistant Secretary