

WorkSafe Services

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Services de travail sécuritaire

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July 18, 2005

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated July 8, 2005, in which the employer requests a deviation from *Occupational Health and Safety Act* General Regulation 91-191, Section 45(2) that states:

45(2) An employer shall comply with CSA Standard Z94.4-93, "Selection, Use, and Care of Respirators" in developing a code of practice.

The employer's request for a deviation relates to the reference in the Regulation to the CSA Standard Z94.4-93 that states that fit testing should be carried out at least annually. The updated CSA Standard Z94.4-02 Section 7.1.3(b) states that: "A fit test shall be carried out at least every 2 years; however, it is recommended that fit tests be conducted annually".

The employer has requested a deviation to allow fit testing every two years for those persons being fit tested for N95 respirators for the sole purpose of protection against respiratory illnesses. Other wearers such as those requiring protection for dust particulate, gas and vapours will continue to be tested on an annual basis until the new CSA Standard is reflected in the General Regulation 91-191. The employer's deviation request is due in part to the high number of individual testing. The employer feels that the employer would be better able to stagger the test periods within a two-year period.

The employer has provided some background information to supplement the employer's request for a deviation. The employer indicates that the global epidemic of severe acute respiratory syndrome in 2003 has affected all health care services by producing a new norm. SARS and other severe respiratory illnesses (SRIs) require that health care personnel utilize effective infection control practices, one of these being respiratory protection to prevent the spread of these diseases. The administration of the employer has implemented a Respiratory Protection Program as a control strategy to safeguard its employees should the communities face an airborne respiratory illness.

The Chief Compliance Officer has reviewed the requirements of the CSA Standard on Respiratory Protection. While many of the requirements of the Standard *CSA Standard Z94.4-93* are mandatory provisions of the General Regulation 91-191, the fit testing frequency element outlined in Section 7.1 of the Standard is not mandatory as noted below and therefore a deviation from the Regulation is not required.

From CSA Standard Z-94.4-93 Selection, Use and Care of Respirators

1.3

In this Standard the word "shall" indicates a mandatory requirement; "should" indicates a recommendation which is advised but is not mandatory. Notes accompanying clauses provide explanatory or informative material that is not properly a part of this Standard.

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7.1 Fitting Tests-General

7.1.1

A qualitative or quantitative respirator fit test shall be used to determine the ability of each individual respirator user to obtain a satisfactory fit and an effective seal. The results of the fitting test, among other criteria, shall be used to select specific types, makes, and models of respirators for use by individual users.

Notes:

(1) The wide range of face dimensions may require more than a single size, make, or model of respirator facepiece to provide a proper fit to all respirator users.

(2) Where respirators operating in a positive pressure mode allow for operation in the negative pressure mode, the fit test should be done in the negative pressure mode.

7.1.2

A fitting test(s) shall be used to select a specific make or model of respirator used by each employee.

7.1.3

A fitting test(s) should be carried out at least annually or whenever work conditions necessitate a change in the type of respirator worn.

While the annual fit testing requirement of the Standard is not mandatory, the frequency of fit-testing proposed in the employer's request should be followed to ensure optimal protection of personnel who are required to wear these respirators for their protection.

By copy of this letter, the Chief Compliance Officer has advised WHSSC staff of the decision.

Regards,

Chief Compliance Officer