



Standard Interpretations

03/24/2008 - Tuberculosis and Respiratory Protection Enforcement

[← Standard Interpretations - Table of Contents](#)

- **Standard Number:** [1910.134](#); [1910.134\(f\)\(2\)](#)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

March 24, 2008

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

FROM: DONALD G. SHALOUB
Deputy Assistant Secretary

SUBJECT: Tuberculosis and Respiratory Protection Enforcement

The Federal Register Notice published on December 31, 2003, withdrew the standard 29 CFR 1910.139 — Respiratory Protection for M. Tuberculosis. At that time, establishments whose respiratory protection programs for tuberculosis were formerly covered under 29 CFR 1910.139 were required to adapt their programs to comply with the requirements of 29 CFR 1910.134.

Congress subsequently restricted OSHA's appropriations in the years that followed and provided "[t]hat none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2)...to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis."

The appropriations restriction affected only annual fit testing of respirators used for protection against tuberculosis. No other provisions of the respiratory protection standard were affected by the appropriations restriction. All requirements of the respiratory protection standard, including annual fit testing, continued to be cited for respirator use against other hazards, such as Severe Acute Respiratory Syndrome (SARS) or other bioaerosols.

The accompanying text to the legislation advised OSHA to take no further action "until such time as the CDC completes the revision of its TB guidelines." The CDC issued "Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings, 2005" in December of 2005. These guidelines recommended periodic fit testing in accordance with federal, state and local regulations. However, Continuing Appropriations Resolutions that followed provided funding "under the authority and conditions provided in the applicable appropriations Act for fiscal year 2006..."

Congress passed the 2008 omnibus appropriations bill and President Bush signed it into law on December 26, 2007. This new appropriation has no restriction on the enforcement of the Respiratory Protection standard. On January 2, 2008, OSHA will resume full enforcement of the entire Respiratory Protection standard, including 1910.134(f)(2).

This restriction has also been removed with respect to outreach and assistance activities (e.g., education and training, and compliance assistance); participation in OSHA's recognition programs (i.e., SHARP and VPP) or strategic partnerships; and the use of Federal funds appropriated for State plan States and Consultation projects.

If you have any questions, feel free to contact the Office of Health Enforcement at (202) 693-2190.

[← Standard Interpretations - Table of Contents](#)

 [Back to Top](#)

www.osha.gov

www.dol.gov

[Contact Us](#) | [Freedom of Information Act](#) | [Customer Survey](#)
[Privacy and Security Statement](#) | [Disclaimers](#)

Occupational Safety & Health Administration
200 Constitution Avenue, NW
Washington, DC 20210