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September 18, 2026

Mr. Andrew Levinson, Director
Directorate of Standards and Guidance
U.S. Department of Labor
Occupational Safety and Health Administration
200 Constitution Ave, NW
Room N3626
Washington, DC 20210

Dear Director Levinson:

On behalf of the more than 8,000 members of the American Road & Transportation Builders Association (ARTBA), we respectfully submit the enclosed written responses relating to the medical evaluation requirements for certain types of respirators. This document comprises ARTBA's responses to questions for the record referenced during the Occupational Safety and Health Administration (OSHA) public hearing on August 20, 2026, at which ARTBA presented oral testimony.

Background

ARTBA represents public and private sector members of all sizes within the transportation construction industry, including construction contractors, materials suppliers, planning and design firms, state and local transportation agencies, and safety and equipment manufacturers. These members plan, design, build and maintain the nation's highways, bridges, transit and rail lines, airports, ports and other critical transportation infrastructure. Our members work to deliver projects safely, efficiently, and cost-effectively.

ARTBA and its members have long valued our constructive relationship with OSHA and our shared commitment to improving safety in the transportation construction industry. The safety and health of workers remains the top priority, and we appreciate the opportunity to provide OSHA with practical, real-world perspectives on how its requirements affect employers and employees in the field.

The transportation construction industry has extensive experience with respiratory protection across varied jobsites, working conditions, and levels of physical exertion, giving ARTBA and its members a direct interest in ensuring that OSHA's medical evaluation requirements appropriately account for both worker protection and the circumstances in which respirators are used.

In July 2025, OSHA issued a proposed rule that would remove the requirement that an employee receive a medical evaluation before being required to use two specific types of respirators: filtering facepiece

respirators (FFRs) and loose-fitting powered air-purifying respirators (PAPRs). OSHA preliminarily concluded that the available evidence is insufficient to establish that medical evaluations meaningfully reduce adverse health outcomes associated with the use of these respirators. The agency also noted that few workers are ultimately restricted from respirator use following an evaluation and that widespread use of FFRs and PAPRs without prior medical evaluation has not produced data demonstrating associated adverse health effects.

ARTBA and several industry partners submitted written comments expressing measured support for the proposal while emphasizing that medical evaluations remain an important best practice. The organizations recommended that OSHA preserve that practice through a new nonmandatory appendix to the respiratory protection standard, providing employers with guidance while allowing flexibility in circumstances where an evaluation may be unnecessary. These comments are attached here for reference.

In August 2026, OSHA convened a virtual informal public hearing to receive comments on several deregulatory proposals, including proposed changes to the medical evaluation requirements for certain types of respirators. ARTBA provided oral testimony during the hearing on August 20, 2026, and was asked a series of questions by OSHA officials and members of the public. Below, ARTBA provides responses to those questions to supplement its oral testimony and provide additional information as the agency considers next steps in this rulemaking. The responses to the questions are derived primarily from a survey conducted by ARTBA with our membership following the hearing.

ARTBA Responses to Questions

1. **How would employers know when an employee may need an additional medical evaluation?**

Employers would continue teaching workers about the use and risks of respirators and asking employees to inform them if they feel uncomfortable or have medical conditions that may preclude them from wearing the respirators. Employers would also rely on information provided by health care providers, feedback from medical evaluations, and observations from supervisors and safety personnel during donning/fit testing, and use of these types of respirators.

2. **How effective is the existing medical questionnaire in identifying employees who may need further medical evaluation?**

Half of the respondents to the ARTBA member survey indicated that the existing questionnaire is "somewhat effective." The remaining respondents were either neutral or did not feel the questionnaire was effective. Only 15 percent of respondents said the OSHA questionnaire is "very effective."

3. **What data is available regarding the prevalence of medical conditions that may result in changes to an employee's respirator use?**

When asked how often the medical questionnaire has identified a condition that resulted in the need to change a work practice, only one member responded that it was "frequent", defined as 6-10 percent of the time. Two thirds of the respondents replied "rarely" (defined as less than 1 percent of evaluations) or never.

4. **When asked what employers' current practices are for identifying medical conditions that may affect respirator use and accommodating employees with those conditions:**

- 33% indicated job reassignment when an employee is unable to use the required respirator.
- 27% indicated modified work tasks.
- 22% indicated additional medical evaluation.
- The remaining respondents indicated they use temporary restrictions or have not needed to address this situation.

5. **When asked how useful a voluntary medical questionnaire would be, as opposed to the current mandatory form:**

- 21% indicated it would be very useful.
- 30% indicated it would be somewhat useful.
- 12% were neutral regarding its usefulness.
- The remaining respondents indicated that it would not be useful or that they were unsure.

6. **Should employees be permitted to request a medical evaluation based on concerns that arise during respirator training or fit testing?**

94 percent of ARTBA members responding to the survey indicated they would allow employees to request a medical evaluation, either in all or most situations, if the employee had concerns about their ability to use a respirator.

7. **Following the hearing and discussion, has ARTBA's position on OSHA's proposed changes to the medical evaluation requirements changed?**

Based on the results of ARTBA's survey, our position remains unchanged. While there may be some value in making the questionnaire available if concerns arise regarding the use of these types of respirators, very few problems have historically been identified through its use. Employers also have effective means to identify or observe potential conditions if they exist, and employees can report concerns and receive revised work assignments when necessary.

Conclusion

ARTBA appreciates the opportunity to expand upon its testimony and provide these additional responses for the record. ARTBA supports OSHA's efforts to provide employers greater flexibility where mandatory medical evaluations may be unnecessary, while continuing to recognize the value of medical evaluations as a best practice. We encourage OSHA to preserve appropriate guidance for employers and employees, including through a nonmandatory appendix to the Respiratory Protection Standard, as the agency considers the final rule. This approach would provide employers with needed flexibility while maintaining appropriate protection for workers who may benefit from additional medical evaluation.

Sincerely,

//s//

Bradley A. Sant
Senior Vice President for Safety

//s//

Prianka P. Sharma
Deputy General Counsel and Vice President for Regulatory Affairs