(date)

OSHA Federal Office

911 NE 11th Ave, Suite 649

Portland, OR 97232

RE: CASPA Complaint on Oregon OSHA

To Whom It May Concern,

Respiratory standards are documented law and recorded in the Federal Register, Volume 64, p. 11159. Even **Oregon OSHA’s Breathe Right Guide** To Respiratory Health provides a clear understanding that employers need to be testing their employees daily for their oxygen concentration levels when required to wear a mask. It says so on page 7.

The Governor’s Executive Order 20-66 and ensuing and most recent Face Mask Guideline of December 3, 2020, requires all subject employees to wear masks or their employers will suffer fines, loss of licenses and/or lockdown. Nowhere in this mandate does it state to follow the current laws requiring testing of oxygen concentration levels of employees wearing masks.

Even Doctors are fitted by OSHA respiratory experts who understand the proper fitting of a mask. Oregon OSHA is in violation of the Federal Standards and needs to either enforce current law or stop harassing business owners about mandatory masks without proper fitting and testing.

Below is an excerpt from Richard E. Fairfax, Director, Directorate of National Enforcement, National Department of Labor, Occupational Health & Safety Administration.

Paragraph (d)(2)(iii) of the Respiratory Protection Standard considers any atmosphere with an oxygen level below 19.5 percent to be oxygen-deficient and immediately dangerous to life or health. To ensure that employees have a reliable source of air with an oxygen content of at least 19.5 percent, paragraphs (d)(2)(I)(A) and (d)(2)(i)(B) of the Respiratory Protection Standard require employers working under oxygen-deficient conditions to provide their employees with a self-contained breathing apparatus or a combination full-facepiece pressure-demand supplied-air respirator with auxiliary self-contained air supply. In the preamble to the final Respiratory Protection Standard, OSHA discussed extensively its rationale for requiring that employees breathe air consisting of at least 19.5 percent oxygen. The following excerpt, taken from the preamble, explains the basis for this requirement:

Human beings must breathe oxygen . . . to survive and begin to suffer adverse health effects when the oxygen level of their breathing air drops below [19.5 percent oxygen]. Below 19.5 percent oxygen, air is considered oxygen deficient. At concentrations of 16 to 19.5 percent, workers engaged in any form of exertion can rapidly become symptomatic as their tissues fail to obtain the oxygen necessary to function properly (Rom, W., *Environmental and Occupational Medicine*, 2nd ed.; Little, Brown; Boston, 1992). Increased breathing rates, accelerated heartbeat, and impaired thinking or coordination occur more quickly in an oxygen-deficient environment. Even a momentary loss of coordination may be devastating to a worker if it occurs while the worker is performing a potentially dangerous activity, such as climbing a ladder. Concentrations of 12 to 16 percent oxygen cause tachypnea (increased breathing rates), tachycardia (accelerated heartbeat), and impaired attention, thinking, and coordination (e.g., Ex. 25-4), even in people who are resting.  
  
At oxygen levels of 10 to 14 percent, faulty judgment, intermittent respiration, and exhaustion can be expected even with minimal exertion (ECSS. 25-4 and 150). Breathing air containing 6 to 10 percent oxygen results in nausea, vomiting, lethargic movements, and perhaps unconsciousness. Breathing air containing less than 6 percent oxygen produces convulsions, then apnea (cessation of breathing), followed by cardiac standstill. These symptoms occur immediately. Even if a worker survives the hypoxic insult, organs may show evidence of hypoxic damage, which may be irreversible (ax’s. 25-4 and 150; also reported in Rom, W. [see reference in previous paragraph]).

([*Federal Register*, Vol. 63, p. 1159](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=13749).) The rulemaking record for the Respiratory Protection Standard clearly justifies adopting the requirement that air breathed by employees must have an oxygen content of at least 19.5 percent. A lesser concentration of oxygen in employees' breathing air could endanger them physiologically and diminish their ability to cope with other hazards that may be present in the workplace. The rulemaking record also demonstrates that any workplace atmosphere controlled at or near your recommended minimal oxygen level of 100 mm of mercury at sea level (equivalent to about 13 percent oxygen at sea level) is not safe and healthful for all employees. Exposing employees to partial pressures of oxygen that approach 100 mm of mercury at sea level leaves them with no margin of safety from potentially debilitating effects, which could appear suddenly and without warning.

Sincerely,

Your Name

City, State

Phone

Email