



**California
Nurses
Association**



ALAMEDA LABOR COUNCIL AFL-CIO



AMERICAN COLLEGE OF
OCCUPATIONAL AND
ENVIRONMENTAL MEDICINE



*Advancing public policy to
improve the health and safety
of workers and the community.*



**EQUALITY
CALIFORNIA**



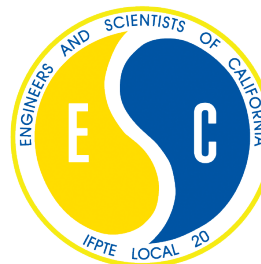
**CALIFORNIA
PROFESSIONAL
FIREFIGHTERS**



**NELP NATIONAL
EMPLOYMENT
LAW PROJECT**



nurse alliance
of SEIU California



WORKSAFE
safety, health and justice for workers

May 7, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

The Honorable Mike McGuire
President Pro Tempore, California State Senate
1021 O Street, Suite 8518
Sacramento, CA 95814

The Honorable Robert Rivas
Speaker, California State Assembly
1021 O Street, Suite 8330
Sacramento, CA 95814

The Honorable Scott D. Wiener
Chair, Senate Budget and Fiscal Review Committee
1020 N Street, Room 502
Sacramento, CA 95814

The Honorable Jesse Gabriel
Chair, Assembly Budget Committee
1021 O Street, Suite 8230
Sacramento, CA 95814

Re: Budget Request on California State Respirator Certification Program Needed to Save Workers' Lives

Dear Governor Newsom, President Pro Tempore McGuire, Speaker Rivas, Senator Weiner, and Assemblymember Gabriel:

The undersigned organizations, which includes labor unions, occupational safety and health organizations, and our allies, are requesting your urgent attention to the recent, drastic cuts to the National Institute for Occupational Safety and Health (NIOSH), the termination of NIOSH's respirator certification program, and the devastating impact these cuts have on respirator certification, worker protections, and public health. Specifically, we write to urge your support for funding of a California state respirator certification program.

At least 600,000 workers in California in health care, construction, manufacturing, agriculture, firefighting, emergency medical services, and other industries depend on N95s and other respirators to safeguard their health against occupational hazards like silica, wildfire smoke, lead, asbestos and infectious diseases.¹ Respirators are the last line of defense between workers and disabling illness and death. We know from the Covid-19 pandemic that the availability and use

¹ NIOSH estimates that 5.0 million workers nationally use respirators and proportionally that would cover at least 600,000 workers in California. However, California workplace health and safety law requires respirator use in more applications than any other state, thus this is almost certainly an undercount. See NIOSH (Jan. 2020), "100 Years of Respirators," Centers for Disease Control and Prevention, https://archive.cdc.gov/www_cdc_gov/niosh/newsroom/feature/100yearsrespirators.html.

of NIOSH-approved respirators saved countless lives, including health care and other essential workers, patients, and the public.

For decades, NIOSH has conducted rigorous testing and certification of respirators used by workers in the United States in its National Personal Protective Technology Laboratory (NPPTL). NIOSH approval assures workers that the respirators they don will provide the promised level of protection against respiratory hazards. Without NIOSH approval, there is no guarantee that the device will offer any protection. The importance of NIOSH's respirator certification program was clearly demonstrated early in the Covid-19 emergency when counterfeit, unprotective respirators flooded the market and NIOSH/NPPTL quickly identified and removed them from circulation. Testing of non-NIOSH approved respirators revealed that most failed to meet protection standards.²

On April 1, 2025, over 90 percent of NIOSH staff were placed by the current federal administration on terminal administrative leave, including all staff working on the NPPTL respirator certification program. NPPTL is no longer accepting new applications for respirator approval, conducting quality assurance visits, or identifying counterfeit products.

The termination of NIOSH's respirator certification program jeopardizes the very lives of workers in health care, construction, manufacturing, firefighting, emergency services, agriculture, and many other industries. The closure of NIOSH's respirator certification program jeopardizes California's ability to enforce existing statutes and regulations. Multiple California laws and regulations require provision of NIOSH-approved respirators, including occupational safety and health standards,³ pesticide handling regulations,⁴ and school safety regulations.⁵ The provision of NIOSH-approved respirators is required in several California Occupational Safety and Health Administration (Cal/OSHA) standards, including the Aerosol Transmissible Disease Standard⁶ and the Respiratory Protection Standard.⁷ Additionally, NPPTL is able to recover at least 95 percent of costs for respirator certification and testing activities through fees charged to entities seeking certification.⁸

² NIOSH, NPPTL (2020), "PPE CASE: Filtration efficiency performance of non-NIOSH-approved international respiratory protective devices," Centers for Disease Control and Prevention, NPPTL Report Number P2020-0112 (first phase by Andrews A et al), https://www.cdc.gov/niosh/media/pdfs/2025/01/npptl_casereport_p2020-0112.pdf.

³ For a list of occupational safety and health standards that require respirator protection, see Division of Occupational Safety & Health (Sept 2024), "Respiratory Protection in the Workplace: A Guide for Employers," Department of Industrial Relations, at 1, https://www.dir.ca.gov/DOSH/DOSH_Publications/respiratory-protection-employer-guide.pdf.

⁴ 3 Cal. Code Regs., Tit. 3, § 6000.

⁵ Cal. Ed. Code § 32065.

⁶ 8 Cal. Code Regs., Tit. 8, § 5199.

⁷ 8 Cal. Code Regs., Tit. 8, § 5144.

⁸ Respirator Certification Fees, 80 Fed. Reg. 3891 (January 26, 2015)

Members of the public also rely on NIOSH certification to provide N95s and other respirators to protect their health. Public health orders from the California Department of Public Health direct all Californians that use of NIOSH-approved N95 respirators are “the best protection” when it comes to respiratory viruses like Covid-19 and harmful environmental exposures like wildfire smoke and Valley Fever.⁹

With extensive occupational health and safety expertise, California has long been a leader in establishing robust workplace protections that serve as model standards. It is urgent that the state of California take action to ensure that workers have access to respirators that have been inspected, tested, and certified. The lives of California’s workers are at stake. Indeed, Cal/OSHA already has the authority and mandate to “provide for laboratory services and service personnel with respect to occupational health matters” by interagency agreement with a public entity, contract with a private sector laboratory, establishment of a laboratory within the division, or a combination thereof.¹⁰

Additionally, the University of California and a number of its campuses operate a Center for Occupational and Environmental Health (COEH). The University of California COEH programs conduct research, teaching, and training related to occupational and environmental health issues, and the COEH program at the University of California, Los Angeles (UCLA) has laboratory capacity and research expertise on respiratory protection, aerosol science, and industrial hygiene. This expertise is critical to being able to build out the available laboratory space and conduct the necessary testing to certify respirators to the same performance standards used by NIOSH. UCLA’s COEH is unique in the state in having the necessary expertise and capacity to be able to quickly build and implement a state-based respirator certification program.

For these reasons, **we urge you to immediately allocate \$15 to \$20 million dollars in funding to Cal/OSHA to contract with the occupational health and safety program at the University of California, Los Angeles to establish a California state respirator certification program.** We also urge that the NPPTL certification standards and fee structure be adopted in order to establish a largely self-funded program in the long-term. This initial funding to establish a state respirator certification program would serve as a critical and reasonable investment to ensure both the long-term safety of California workers and the ability of employers to meet state respiratory standards.

⁹ California Department of Public Health (Jan. 9, 2024), “State Public Health Officer Order for COVID-19 Disease Control & Prevention,” <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Beyond-Blueprint.aspx>.

California Department of Public Health (Jan 15, 2025), “When and Why to Wear a Mask: The Benefits of Masking and Tips for Choosing the Right Mask,” Division of Communicable Disease, <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Respiratory-Viruses/When-and-Why-to-Wear-a-Mask.aspx>.

¹⁰ Cal. Lab. Code § 60.9.

Letter to Governor Newsom and Legislative Leaders
Budget Request on California State Respirator Certification Program
May 7, 2025

If you have any questions or are able to meet regarding this budget request, please contact Carmen Comsti, Assistant Director of Government Relations for the California Nurses Association, at ccomsti@calnurses.org or at (510) 206-6083.

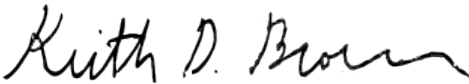
Sincerely,



Puneet Maharaj, Government Relations Director
California Nurses Association/National Nurses
United



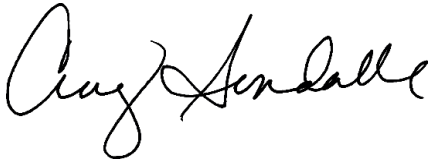
Sara Flocks, Legislative Director
California Federation of Labor Unions



Keith D. Brown, Executive Secretary-Treasurer
Alameda Labor Council, AFL-CIO
Craig Sondalle, CEO



Mitch Steiger, Legislative Representative
CFT, A Union of Educators and Classified
Professionals



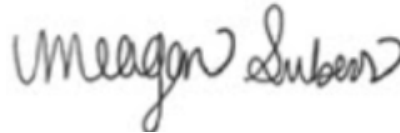
American College of Occupational and
Environmental Medicine



Megan Canright Racicot, MPH, CIH, President
California Industrial Hygiene Council (CIHC)



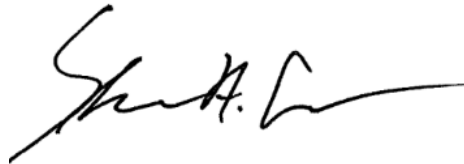
Janice O'Malley, Legislative Advocate
American Federation of State, County and
Municipal Employees (AFSCME), AFL-CIO



Meagan Subers, Legislative Advocate
California Professional Firefighters



Lawrence Sloan, MBA, CAE, FASAE, Chief
Executive Officer
American Industrial Hygiene Association (AIHA)



Shane Gusman, Director
California Teamsters Public Affairs Council

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Anne Katten, Pesticide and Work Health and
Safety Specialist
CRLA Foundation



Nicole Marquez, Health and Safety Program
Director
National Employment Law Project

Coordinating Committee
Defend Public Health



Sophia Mendoza, President
National Union of Healthcare Workers



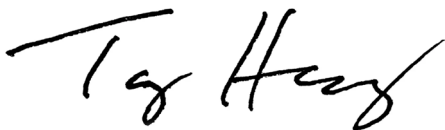
Claudio Dente, President/CEO
Dentec Safety Specialists Corp.



Katherine Hughes, RN, Ex. Director
Nurse Alliance of SEIU CA



Shane Gusman, Legislative Advocate
Engineers and Scientists of California



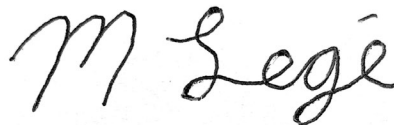
Tony Hoang, Executive Director
Equality California



Julie S. Lam, Founder
MaskTogetherAmerica



Jessica E. Martinez, Executive Director
National Council on Occupational Safety and
Health (National COSH)



Matt Lege, Government Relations Advocate
SEIU California



Louie Costa, Safety and Legislative Director
SMART Transportation Division



Kristin Heidelberg, Legislative Director
UFCW Western States Council

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Eric Robles, Political and Legislative Director
United Nurses Associations of CA/Union of
Health Care Professionals



Stephen Knight, Executive Director
Worksafe



Dan Izhaky, CEO
United Safety Technology Inc.



Yaneer Bar-Yam
Co-Founder, World Health Network (WHN)
Professor and President, New England Complex
Systems Institute

Cc: Senator Laura Richardson, Chair, Budget Subcommittee 5 on Corrections, Public Safety,
Judiciary, Labor and Transportation
Assemblymember Sharon Quirk-Silva, Chair, Budget Subcommittee 5 on State Administration
Christine Aurre, Legislative Affairs Secretary, Office of the Governor Gavin Newsom
Katrina Hagen, Director, Department of Industrial Relations
Debra Lee, Chief, Division of Occupational Safety & Health