



PRESS RELEASE

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NYS DEPARTMENT OF HEALTH TO REVERSE POSITION ON H1N1 RESPIRATORY PROTECTION FOR HEALTHCARE WORKERS

--NYCOSH applauds department's decision

Following Governor David Paterson's announcement yesterday that the state is suspending the regulation mandating flu vaccinations for healthcare workers, a state health department official told NYCOSH today that the guideline on respiratory protection for healthcare workers who may be exposed to the H1N1 flu virus will be revised to recommend the use of N95 respirators instead of surgical masks.

The change brings New York State's Health Department's policy into conformity with the H1N1 guidelines on respiratory protection originally issued last spring by the Centers for Disease Control (CDC). The CDC restated its recommendations in a guidance document on infection control measures published Oct. 14. N95 respirators provide a higher level of protection for healthcare workers. Prior to the change in policy, the Department of Health had recommended the use of surgical masks for health workers who came in contact with patients with flu-like symptoms. Recent studies have shown surgical masks do little to prevent transmission of the flu virus.

"We are going to be consistent with what the CDC has come out with. This is a change from where we were in the spring," said Eileen Franko, Director of Occupational Health, New York State Department of Health (NYSDOH). An alert to healthcare facilities advising them of the change will be sent in the next few days and has been reviewed by New York State Health Commissioner Richard Daines and Deputy Commissioner Guthrie Birkhead, she said.

"Obviously respirators are not the first line of defense, but the CDC's information has come out and it's something that OSHA and PESH are going to follow and we feel that healthcare facilities and other organizations need to follow it," Franko said.

Both the vaccination mandate and the NYSDOH's respiratory guideline allowing the use of surgical masks came under strong criticism from healthcare workers and their unions. The New York State Public Employees Federation (PEF) had filed suit seeking to have the regulation mandating vaccinations for the seasonal and H1N1 flu viruses as a term and condition of employment declared null and void.

An NYSDOH spokesperson said the regulation mandating vaccinations of healthcare workers was suspended because of a shortage of H1N1 vaccine and that the state wanted to concentrate its vaccination efforts on pregnant women and children.

Joel Shufro, Executive Director of the New York Committee for Occupational Safety and Health (NYCOSH), said, "We are pleased that the NYSDOH has withdrawn the vaccination mandate. We will continue to urge healthcare workers to be vaccinated against both the seasonal and H1N1 flu viruses. At the same time, we are also pleased to learn that NYSDOH has finally agreed to reverse its position to provide healthcare workers with appropriate personal protective equipment. When the pandemic flu hits New York, healthcare workers will be on the front lines. In order to protect others, they must be protected first."

The CDC's updated H1N1 guidance document (*Interim Guidance on Infection Control Measures for 2009 H1N1 Influenza in Healthcare Settings, Including Protection of Healthcare Personnel*) followed recommendations contained in a report released in early September by the Institute of Medicine (IOM). The IOM report reviewed the scientific literature and concluded that airborne exposure is one of three possible modes of transmission of the H1N1 influenza (in addition to contact and large droplets). The report confirmed CDC's recommendation that respirators, as opposed to surgical masks, were the appropriate personal protection for healthcare workers. It stated that N95 respirators, which filter out 95 to 99 percent of relevant aerosol particles, offer better protection against aerosol particles than surgical masks.

NYCOSH is a non-profit coalition of 200 local unions and more than 400 individual workers, physicians, lawyers and other health and safety activists - all dedicated to the right of every worker to a safe and healthful job. NYCOSH coordinates a coalition of unions and other organizations that opposed the mandatory vaccine requirement for healthcare workers and had demanded that the Health Department recommend the use of N95 respirators.