Congress of the United States
Washington, DC 20510

October 28, 2026

David Keeling
Assistant Secretary of Labor for Occupational Safety and Health
200 Constitution Ave NW
Washington, DC 20210

Dear Mr. Keeling:

We write regarding our concern about the Occupational Safety and Health Administration (OSHA)'s plan to roll back regulations surrounding respirator masks, which protect workers from contagious disease, dangerous chemicals, and airborne dust and debris.

OSHA was created by the Occupational Safety and Health Act (OSH Act), signed into law in 1970 by President Richard Nixon.[1] The OSH Act vested OSHA with the responsibility to set and enforce safety and health standards for American workers, and OSHA has protected millions of Americans at work ever since for more than 50 years, making huge strides towards a safer workplace for every American. But the Trump Administration has set out to undo that progress by rolling back dozens of regulations that have kept workers safe on the job.

OSHA now seems to be moving rapidly to finalize the removal of critical respiratory protections from more than a dozen OSHA standards. Most OSHA standards take years to move through the same steps these respirator rules have in a matter of months. You issued proposed rules in July 2025 without the evidence required to do so, instead of issuing the more appropriate request for information to collect such evidence. You also held a procedural hearing on the rule in August 2026, ostensibly to gather evidence before moving forward, but scheduled it during Congress's traditional August recess so that no lawmakers were present in Washington, DC to attend or provide input.[2] To date, OSHA has been unable to collect the evidence it needs to justify its proposals and finalize these rules.

Under the proposed rules, OSHA would weaken requirements for employers to provide workers effective respirators when working with hazardous substances including lead, asbestos, formaldehyde, and inorganic arsenic, among other chemicals.[3] OSHA would also remove the requirement for employers to provide medical evaluations to employees wearing certain kinds of respirators, namely filtering facepiece respirators or loose-fitting powered air-purifying

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[1] U.S. Department of Labor, "The Job Safety Law of 1970: Its Passage Was Perilous," Judson MacLaury, March 1981, https://www.dol.gov/general/aboutdol/history/osha.

[2] Littler, "OSHA Announces Public Hearings this Summer for Over 20 Proposed Rules," Felicia Watson, Pete Vassalo, Cathy Seidelman, and Matt Holmes, June 9, 2026, https://www.littler.com/news-analysis/asap/osha-announces-public-hearings-summer-over-20-proposed-rules.

[3] Occupational Safety and Health Administration, Deregulatory Rulemaking, https://www.osha.gov/deregulatory-rulemaking.

respirators.[4] Unions, medical professionals, and industry experts have cautioned you against removing this requirement. In fact, the Advisory Committee for Construction Safety and Health (ACCSH), which is statutorily required to provide advice to OSHA on construction-related issues, recommended that you not proceed with this rulemaking.[5] Stakeholders from across the construction industry have also urged OSHA to reconsider. The American Industrial Hygiene Association (AIHA) pointed out that removing medical screening requirements "increas[es] the risk for workers with cardiopulmonary or other health conditions."[6] National Nurses United, the largest union of registered nurses, testified that when respirator programs are weakened, health care workers are "left exposed to airborne hazards that can lead to illness, severe disease, death, and long-term health impacts."[7] Labor unions representing construction workers–North America's Building Trades Unions (NABTU)–also urged OSHA to withdraw this proposed rule, which they say "harms workers and will create additional burdens for employers."[8] Stakeholders pointed out that eliminating this requirement might cause confusion for employers, who "often conflate medical evaluations for respirators with fit-testing requirements," and this confusion could cause danger for workers.[9] Even trade associations representing construction employers are urging you not to remove this requirement. A construction industry group urged you to abandon the rule, commenting that "quality safety regulations save contractors money in the long run and any deregulatory benefits associated with the proposed rule will be outweighed by potential liability down the line."[10]

The weakening of respirator requirements is part of a larger deregulatory agenda. Since July 2025, OSHA has also proposed to narrow the General Duty Clause, rescind the construction illumination standard and repeal the safety color code system in workplaces, among more than 60 other actions by the Department of Labor.[11] In each case the justification is that the requirement is duplicative or outdated, but in none is there a finding or new evidence that the hazard has gone away. The Trump Administration claims that it is a "champion of the American worker,"[12] but DOL has demonstrated its disregard for workers' lives by trying to roll back the regulations that keep workers safe - even when industry leaders, safety experts, and workers raise

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[4] Occupational Safety and Health Administration, Notice of Proposed Rulemaking, "Amending the Medical Evaluation Requirements in the Respiratory Protection Standard for Certain Types of Respirators," June 3, 2026, https://www.regulations.gov/document/OSHA-2025-0006-0323.

[5] Federal Register, Notice of reopening of the rulemaking period, June 3, 2026, https://www.federalregister.gov/documents/2026/06/03/2026-11093/amending-the-medical-evaluation-requirements-in-the-respiratory-protection-standard-for-certain.

[6] Consolidated Comments of the American Industrial Hygiene Association (AIHA) on OSHA's Deregulatory and Clean-Up Actions, November 1, 2025, https://aiha-assets.sfo2.digitaloceanspaces.com/AIHA/resources/Public-Resources/AIHA-OSHA-Comments-11.01.25-FINAL.pdf.

[7] Oral testimony of National Nurses United President Jamie Brown during OSHA Medical Evaluation Hearing, August 19, 2026, [transcript on file with the Office of U.S. Senator Elizabeth Warren].

[8] North American Building Trades Union, Comments on OSHA's proposed rulemaking, July 6, 2026, https://www.regulations.gov/comment/OSHA-2025-0006-0331.

[9] Kelly Taylor and Alan R. Johnston, Comments on OSHA's proposed rulemaking, June 16, 2026, https://www.regulations.gov/comment/OSHA-2025-0006-0326.

[10] Associated General Contractors of America, Comments on OSHA's proposed rulemaking, July 7, 2026, https://www.regulations.gov/comment/OSHA-2025-0006-0332.

[11] Occupational Safety and Health Administration, "Deregulatory Rulemaking," https://www.osha.gov/deregulatory-rulemaking.

the alarm. The Labor Department is endangering workers and prioritizing the interests of unscrupulous employers over Americans who work hard to provide for their families. I/we urge you to listen to the many workers and other stakeholders who have submitted thorough and informative comments to OSHA and abandon these rulemakings.

Thank you for your attention to this important matter.

Sincerely,

Elizabeth Warren
United States Senator

Ilhan Omar
Member of Congress

Val Hoyle
Member of Congress

Emanuel Cleaver, II
Member of Congress

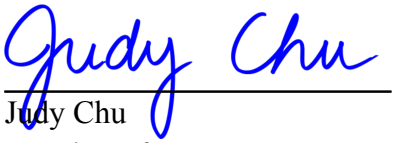
Paul D. Tonko
Member of Congress

Pramila Jayapal
Member of Congress

Jonathan L. Jackson
Member of Congress

Frederica S. Wilson
Member of Congress

[12] The White House, "President Trump Is Delivering for American Workers," September 1, 2025, https://www.whitehouse.gov/articles/2025/09/president-trump-is-delivering-for-american-workers/.



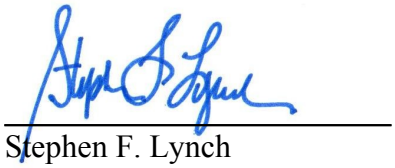
Judy Chu
Member of Congress



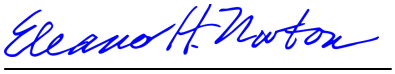
Lucy McBath
Member of Congress



Melanie Stansbury
Member of Congress



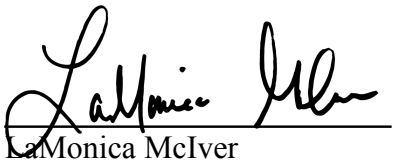
Stephen F. Lynch
Member of Congress



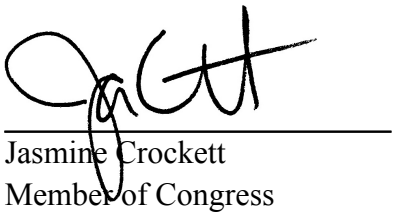
Eleanor Holmes Norton
Member of Congress



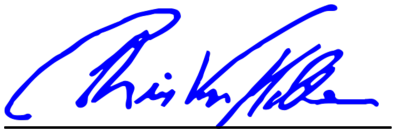
Adelita S. Grijalva
Member of Congress



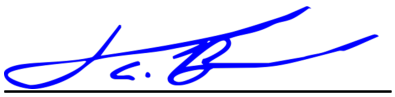
LaMonica McIver
Member of Congress



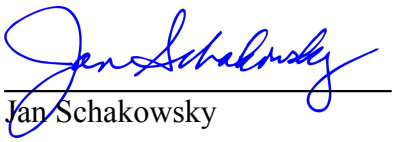
Jasmine Crockett
Member of Congress



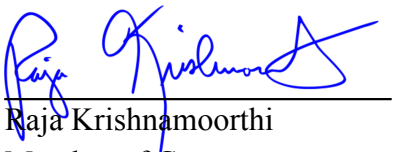
Chris Van Hollen
United States Senator



Cory A. Booker
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