

October 15, 2021

Ms. Sherri Diana
National Institute for Occupational Safety and Health
Center for Disease Control and Prevention
1090 Tusculum Avenue, MS C34
Cincinnati OH 45226-1998

Dear Ms. Diana:

The National Disability Rights Network (NDRN) writes today to provide comment on the Request for Information (RFI) titled “Needs and Challenges in Personal Protective Equipment (PPE) Use for Underserved User Populations” published by the National Institute for Occupational Safety and Health (NIOSH) on June 24, 2021. We appreciate this opportunity to comment on this important issue. The following responds directly to the questions posed in the RFI.

Request (1) Describe respondent(s)

i. Individual or company/institution name, location, and website (if any)

National Disability Rights Network (NDRN), Washington, DC
www.ndrn.org

ii. Individual or company/institution contact information (include the respondent's role in the organization, address, phone number, and email address)

Claire Stanley
Public Policy Analyst
National Disability Rights Network (NDRN)
820 First St., Suite 740, NE, Washington D.C. 20002
www.ndrn.org
202 567-3501

iii. The primary motivation(s) for why you (or your organization) are responding to this Notice

NDRN has advocated for the safety of all people with disabilities throughout the COVID-19 pandemic. For example, NDRN was, and remains, a strong proponent of face mask coverings to protect the health of all people. However, NDRN always wants to stress that individualized assessments must be made for every person as the nature of some individual’s disabilities make it difficult to use the PPE in some settings or

circumstances. Therefore, NDRN is responding to this RFI to provide the perspective of people with disabilities and offer recommendations on different accommodations that can be made in the workplace to keep all employees safe from the virus while enabling people with disabilities to continue to work at their jobs during the pandemic.

iv. Any additional relevant background information about yourself or your organization as well as names of any other organizations currently working in applicable issues

NDRN is the non-profit membership association of Protection and Advocacy (P&A) agencies that are located in all 50 States, the District of Columbia, Puerto Rico, and the United States Territories. In addition, there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navajo and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. P&A agencies are authorized under various federal statutes to provide legal representation and related advocacy services, and to investigate abuse and neglect of individuals with disabilities in a variety of settings. The P&A Network comprises the nation's largest provider of legally based advocacy services for persons with disabilities.

Request (2) Describe your experiences related to PPE use, availability, accessibility, acceptability, and knowledge issues for underserved PPE user populations within the U.S. (e.g., individuals of small or large size; members of gender, racial, ethnic or other minority group of a specific occupation, non-traditional workers, etc.)

i. What experiences have you had in recent years related to PPE use, availability, accessibility, acceptability, and knowledge issues for underserved PPE user populations? Also, specify and describe the underserved PPE user group(s) with which you have had experience.

NDRN and the 57 P&A agencies serve millions of Americans with disabilities. Since the onset of the COVID-19 pandemic and the increased use of PPE among the general population, including face masks, numerous concerns have been brought forward by members of the disability community who cannot wear face coverings, or cannot independently use a face mask. The advocates and attorneys who work at the 57 P&A agencies have shared stories of concerns by persons who face challenges when attempting to comply with mask mandates.

First, persons with sensitivity related disabilities, such as persons who are autistic, often cannot wear face coverings. Generally speaking, the enhanced sensitivity levels of people with autism makes it very difficult to wear a mask, even for a short amount of time. The sensory overload that would be triggered by wearing a face mask could prevent people with autism from performing their jobs if blanket workplace mask mandates are imposed without the possibility of an individualized assessment.

Second, some persons with physical disabilities, such as quadriplegics, cannot independently put on and remove a mask. As a result, they do not have the ability to easily take the mask on and off based on the situation they are in; they may need another person or personal care attendant (PCA) to help with this task. As a result, they may have to wear a mask all day, even when they are alone in their own offices if they do not have a person to assist in putting on and taking off a mask.

The use of masks can make it difficult for deaf individuals to communicate with others. Deaf individuals may rely on lip reading to communicate with others. When wearing a face mask, the lips, and a significant portion of the face, is covered. This has made it difficult for deaf individuals to communicate effectively with others during the COVID-19 pandemic. All three of the above mentioned barriers may negatively impact a person's ability to perform their job functions.

Face covering requirements may also prevent many persons from using public transportation. Transportation providers have been advised to allow for individualized exceptions to mask requirements, but many individuals still struggle to travel without face masks. If a person cannot travel to their place of employment, they may be hindered from doing their job.

Additionally, depending on the form of work a person performs, it can be more or less possible to get an employer to accept an exception to the mask rule. For instance, if a person has a job that interfaces with a significant number of customers or other persons, accommodations may be more difficult to implement. If a person has a physical disability that requires assistance to put on and remove a mask, additional accommodations may be necessary to assist an employee to do so. Without such an accommodation, an employee with a disability may be disproportionately impacted.

Request (3) Describe PPE gaps/barriers that remain to be addressed for underserved PPE user populations within the U.S. related to PPE use, availability, accessibility, acceptability, and knowledge issues (if any)

i. What research gaps/barriers remain to be addressed?

Further research on the previously mentioned barriers is warranted. It is unknown if PPE requirements are keeping people with disabilities out of the workplace during the pandemic. Data should be collected to evaluate if workplaces have found ways to work around PPE barriers to enable employees with disabilities to continue to work. Data should be assessed to see if unemployment, which has historically been high for Americans with disabilities, has risen at all as a result of PPE requirements and/or the refusal of among employers to grant reasonable accommodations.

Again, thank you for the opportunity to comment on this RFI. Please contact Claire Stanley, Public Policy Analyst, at Claire.stanley@ndrn.org should you have any questions or concerns with these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Curtis L. Decker".

Curtis L. Decker
Executive Director