

## Qs and As – Changed Excess Mask Policy as of 05-27-03

1. Were these masks defective when issued?

A1. There is nothing to indicate that the masks were defective when issued. Excess military masks were made available -- free of charge and on an as-is basis -- to approved Federal, state and local law enforcement and other activities

2. Is using the masks dangerous to the user if used to protect against any kind of chemical/biological agent, i.e. do they give any protection at all currently?

A2. Any respiratory protective device can pose a danger if the user is not properly trained, and if the mask is not fit tested by a safety professional, maintained in accordance with the manufacturer's specifications, equipped with the specific type of filter media for the hazard, and used in an environment for which it was designed.

3. Is there ANY way I can certify or otherwise confirm that the mask I received is fit for use, or do I have no other choice but taking the mask out of service and/or destroying it?

A3. We are not telling current users that these masks cannot be certified or otherwise properly used if there is any way to do so. The January 2001 NIOSH Standard Application Procedures for the Certification of Respirators provides that only the manufacturer of the product [these masks] may apply for certification. Many, but not all government agencies are considered "employers", by OSHA. It all depends on their specific governmental charter.

4. Why are you changing your policy now?

A4. We are changing our issue policy in the interests of safety and compliance with federal regulations. These DoD chemical-biological protective masks are not NIOSH approved. These protective devices require periodic inspection, maintenance, occasional repair, and scheduled replacement of certain components to ensure their effectiveness. We are, therefore, concerned these masks could be used in situations for which they will no longer be effective.

5. In 1984 NIOSH issued a letter recommending many of these masks only be used by military personnel. Why did you provide masks to non-military users under various programs?

A5. 10 USC 2576a authorizes the Secretary of Defense, in consultation with the Director, ONDCP and the DoJ, to transfer DoD personal property, including small arms and ammunition, to Federal and State law enforcement agencies, including Counter-Drug and Counter-Terrorism Activities. For purposes of this program, law enforcement activities are defined as Government agencies whose primary function is the enforcement of applicable Federal, State, and local laws, and whose compensated law enforcement officers have powers of arrest and apprehension.

DoD masks are designed under military specifications and do not require NIOSH approval. In addition, many of the law enforcement agencies the masks were issued are not under NIOSH control.

6. What if I just decide to keep them?

A6. These masks are military-unique items that require periodic maintenance, repair and/or replacement of components by trained professionals to remain effective. As with all respiratory protective equipment, age, environmental conditions, storage and usage can affect the masks' effectiveness. As a result, we cannot assure their effectiveness and recommend that they be taken out of service. If you choose to dispose of them, some of the cartridges require disposal in an environmentally sound manner per 40 CFR 261. You can also dispose of the masks and cartridges by return them "as is" to a Defense Reutilization and Marketing Office. If you are a current holder of excess military protective masks and have any questions, please call the DRMS Battle Creek, Michigan Customer Contact Center at 1-888-352-9333.

7. Is DLA going to pay to have the masks returned?

A7. The masks were provided at no charge to the recipients on an as-is basis. Shipping charges were the responsibility of the receiving organization. If items are returned to a Defense Reutilization and Marketing Office for destruction the costs of shipping must be borne by the current owner.

8. Where should I turn masks in?

A8. We recommend that masks obtained through the DLA Law Enforcement Support Office or transferred from the Defense Reutilization and Marketing Service (DRMS) should be removed from service and destroyed in an environmentally sound manner. If you are a current holder of excess military protective masks and have any questions, please call the Battle Creek, Mich. Customer Contact Center, 1-888-352-9333.

9. If I received these masks via the LESO program, should I notify my state coordinator when/if masks are turned in, destroyed or a decision is made to keep them?

A9. Your determination on what your activity does with masks received via the LESO program should be recorded in your inventory records. It is your decision regarding separate notification to your state coordinator.

10. We have retired or former military personnel on our force that know how to fit and maintain these items. Why can't I just identify a repair parts source and keep them?

A10. These masks are military-unique items that require periodic maintenance, repair and/or replacement of components by trained professionals to remain effective. As with all respiratory protective equipment, age, environmental conditions, storage and usage can affect the masks' effectiveness. As a result, we cannot assure their effectiveness and recommend that they be taken out of service. In addition, these masks are not NIOSH

approved. We are, therefore, concerned these masks could be used in situations for which they will no longer be effective.

11. Has OSHA ever determined if the Gas Masks can be used by non-military personnel?

A11 Yes, in a 1986 OSHA interpretation letter, OSHA stated the M-17 gas mask is to be used for protection of [military] personnel. OSHA also stated in the same letter that the manufacture does not recommend the use of this mask by civilians. As for the other masks, OSHA has not provided an interpretation.

Other military masks were also designed and developed according to military specifications and any respiratory protective device can pose a danger to the user if the user is not properly trained and fit tested and if the mask is not maintained in accordance with manufacture's specifications. Additionally, the mask can pose a danger to the user if it does not have the specific type of filter media for the hazard and is used in an environment for which it was not designed.

Employers covered by OSHA are required to comply with OSHA standards.

12. Do all protective masks DoD has issued for military applications need some kind of NIOSH certification to be properly used?

A12. There are several different types of respiratory protective devices used by DOD. The masks issued to military personnel for military applications are military-unique items and do not require NIOSH certification. However, there are NIOSH certified respiratory protective devices that are used by DOD personnel in specific applications that require NIOSH certified respiratory protection.

12A. Do all protective masks DoD has issued for military applications need some kind of NIOSH certification to be properly used?

A12A. The masks issued to military personnel for military applications are military-unique items and do not require NIOSH certification.

13. If I'm not using the mask at work, but for personal protection at home, can I use it without getting some kind of certification?

A13. Any respiratory protective device can pose a danger to the user if the user is not properly trained and fit tested, and if the mask is not maintained in accordance with manufacture's specifications. Additionally, the mask can pose a danger to the user if it does not have the specific type of filter media for the hazard and is used in an environment for which it was not designed.

14. Do all of the masks and/or cartridges require special disposal?

A14. Not all masks or filters require special disposal. Some models do require special disposal because some filters contain a chromium compound. If you are a current holder

of excess military protective masks and have any questions, please call the DRMS Battle Creek, Michigan Customer Contact Center at 1-888-352-9333.

15. What are the masks affected (model numbers, serial numbers, etc.)? Are all of the listed masks chemical/biological masks that must be certified in some way?

A15. Call the DRMS Battle Creek Customer Contact Center at 1-888-352-9333, any time, for a complete list of masks affected or visit our web site (to be determined) for a complete list of stock numbers and known models.

16. Was/Is DoD and other Federal, state and local government activities bound by NIOSH/OSHA standards regarding these masks? Can't I meet a military specification or state standard and continue to use them properly?

A16. Military unique operations exempt DoD personnel and equipment from meeting OSHA regulations and NIOSH standards.

All DoD civilians and other Federal agency personnel are covered by OSHA regulations, and the respiratory protective equipment which they use must meet the OSHA requirements for non-military unique operations.

Many, but not all, state and local agency personnel are protected by state OSHA plans. State plans require the use of NIOSH approved respiratory equipment. However, you will need to check with the Department of Labor in your state to find out who specifically is covered.

17. Isn't it better for me to keep these masks in my inventory and use them in an emergency (assuming I can get the proper training and repair), rather than take them out of service and have nothing to use at all?

A17. Any respiratory protective device can pose a danger to the user if the user is not properly trained and fit tested, and if the mask is not maintained in accordance with manufacture's specifications. Additionally, the mask can pose a danger to the user if it does not have the specific type of filter media for the hazard and is used in an environment for which it was not designed.

18. Is DoD going to give me replacement masks if I take these out of service?

A18. No. These items were received by recipients free-of-charge. In light of today's heightened chem.-bio. threat, we recommend first responders and others should acquire and use protective devices designed and certified for their needs.

19. Who currently holds these masks?

A19. These masks were issued on an as-is basis to approved Federal, state and local law enforcement and other activities. Specific examples include the Department of Justice, Department of Interior, and law enforcement agencies in all 50 states at both the state and local levels.

20. How many masks are we talking about?

A20. Approximately 396,000 masks have been issued on an as-is basis to approved Federal, state and local law enforcement and other activities.

21. What are costs involved to procure replacements?

A21. Cost will vary depending on the type of masks that is procured. Recommend you acquire/use commercially available masks designed and certified for your specific needs.

22. What are costs involved in disposing/destroying them?

A22. If an organization decides to return these masks to a DRMO, the organization will pay shipping charges to the DRMO. Costs will vary depending on the location of the DRMO relative to the organization. If the organization opts to dispose of the masks locally, costs will be dependent on local requirements.

23. Will DLA dispose/destroy them for my organization?

A23. Yes. Please call DRMS Battle Creek, Michigan Customer Contact Center at 1-888-352-9333 for more information.

24. Why did it take DLA over three months to notify using organizations about this OSD policy change?

A. DLA conducted extensive research to identify the masks potentially affected by this policy change as part of this analysis. This review also included research of several years worth of data in multiple databases to identify which organizations had received these masks.

25 The OSD policy letter states: *“The DLA should take all actions necessary to ensure that the excess chemical-biological gas masks that have been reissued are destroyed or turned-in for destruction.”* Your letter announcing the policy change, however, only requires the using agencies to take the masks out of service. Why the difference?

A25. DLA recognizes these masks may be useful in very limited circumstances (i.e. riot control). In addition, some agencies may have the trained personnel and equipment required to maintain these masks in a serviceable condition. The receiving organizations who possess these masks have a responsibility to dispose of them properly. As such, the letter informs these agencies that no more masks will be provided, while giving them flexibility in handling disposal of these masks and meeting the requirements in the OSD policy letter. OSD is aware of, and concurs in, this approach.