



State of New Jersey  
DEPARTMENT OF HEALTH  
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JUDITH M. PERSICHILLI, RN, BSN, MA  
Commissioner

December 9, 2020

**TO:** Administrators  
Long-term Care Facilities Licensed Pursuant to N.J.A.C. 8:39  
Assisted Living Residences Licensed Pursuant to N.J.A.C. 8:36  
Comprehensive Personal Care Homes Licensed Pursuant to  
N.J.A.C. 8:36  
Residential Health Care Facilities Licensed Pursuant to N.J.A.C. 8:42  
Dementia Care Homes Licensed Pursuant to N.J.A.C. 8:37

**FROM:** Marcela Maziarz, MPA *MM*  
Deputy Commissioner – Health Systems

**SUBJECT:** Respiratory Protection Program Attestation- Executive Directive 20-026

This memorandum serves to clarify requirements in Executive Directive 20-026<sup>1</sup> regarding the development and implementation of a Respiratory Protection Program (RPP).

ED 20-026 requires facilities to develop and implement a RPP that complies with the Occupational Safety and Health Administration (OSHA) respiratory protection standards for employees, and to submit an attestation of compliance to the Department by May 30, 2021. This requirement does not modify or otherwise affect facilities' existing obligations under federal law to comply at all times with all applicable requirements of OSHA's respiratory protection standards found at 29 C.F.R. 1910.134.<sup>2</sup> Accordingly, the May 30, 2021 deadline by which facilities must submit attestations to the Department of Health does not excuse any facility from complying fully with all applicable requirements of 29 C.F.R. 1910.134 prior to May 30, 2021.

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<sup>1</sup> ED 20-026, issued on October 10, 2020 and re-issued on October 20, 2020:  
[https://www.state.nj.us/health/legal/covid19/8-20\\_ExecutiveDirectiveNo20-026\\_LTCResumption\\_of\\_Svcs.pdf](https://www.state.nj.us/health/legal/covid19/8-20_ExecutiveDirectiveNo20-026_LTCResumption_of_Svcs.pdf).

<sup>2</sup> OSHA Respiratory Protection: <https://www.osha.gov/sltc/respiratoryprotection/>.