

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Marlton Area Office  
701 Route 73 South, Building 2, Suite 120  
Marlton, NJ 08053



Mr. Kenneth Haber - Vice President Environmental Health and Safety

HMH Jersey Shore University Hospital  
1945 State Route 33  
Neptune, NJ 07753

Inspection #1505865

Mr. Haber:

An inspection of your facility located at 1945 Route 33 Neptune, NJ was initiated on December 10, 2020. The following workplace conditions raise concerns about the potential for employee illnesses related to the use of suspect N95 respirators with a potential to expose employees to patients who are confirmed positive or suspected to have SARS-CoV02 (severe acute respiratory syndrome coronavirus 2), which is the virus causing coronavirus disease 2019 (COVID-19).

Some of the respirators provided to employees of HMH Jersey Shore University Hospital in November and December 2020 were identified by the manufacturer, 3M, as potentially counterfeit, and thus not certified to meet NIOSH standards.

A thorough investigation consisting of on-site inspections, policy and program reviews and management and employee interviews at HMHN-Jersey Shore University Medical Center found that the hospital was in possession of suspected counterfeit 3M-N95 filtering face-piece respirators. This was determined by utilizing the list of "suspect" lot numbers, which was provided by the manufacturer 3M, and was updated on a monthly basis on the manufacturer's website. However, the agency was unable to determine that these respirators were used while providing care to COVID-19 positive and/or suspect patients. When the 3M-N95 filtering face-piece respirators were identified as being part of the stock that was distributed, the hospital's management staff removed all of the identified 3M-N95 filtering face-piece respirators from each of the affected units. The aforementioned masks were then stored, and made unavailable for the employees to use. It is recommended that better control programs, policies and methods be put in place to ensure that any and all suspected counterfeit Personal Protective Equipment (PPE) are identified, removed and measures put in place to ensure they do not have the potential to be utilized by employees.

Based on the guidelines of the Centers for Disease Control and Prevention (CDC), which are listed at the end of this letter, it is recommended that you take the following precautionary measures to materially reduce your employees' exposure to the conditions listed above.

**Administrative Controls:** Managing the transmission of infectious diseases, such as COVID-19, relies heavily on the implementation of administrative controls and good work practices. Preparedness should involve planning for the implementation of administrative controls, and good work practices to protect affected employees. The following are recommended administrative controls:

- a. Place signs or identifiable markings on the suspected equipment, and or on the storage containers to ensure that it is not placed into service.
- b. Enforce the process of notifying upper management when it is believed that PPE is suspected to be counterfeit.
- c. Consider limiting the number of employees that handle the distribution of PPE and that they are following an established process for distribution of the PPE.
- d. Implement a system to ensure that when there is a potential for counterfeit respirators in the workplace, action is taken to identify them when supplies are delivered to the facility
- e. Reach out to respirator and PPE manufacturers on a frequent basis to obtain updated lists of suspected counterfeit lot numbers.

**Personal Protective Equipment:** Personal Protective Equipment should be used when Engineering Controls are unable to control the hazard.

- a. Ensure that multiple types and sizes of respirators are available for employee use if a suspect or counterfeit respirator is identified.

**Training and Information:** Provide training, education, and informational materials about the potential risk of counterfeit respirators in the workplace.

- a. Scheduling updated training on the recognition of counterfeit respirators and the process to follow when one is potentially identified.
- b. Implement policy for employee notification via occupational health to ensure dialogue between staff and management so that when a concern arises it is addressed and communicated.
- c. Whenever respirators are required, explain who employees should report to when a mask that could be suspect or counterfeit is identified.

For OSHA's latest information and guidance on the COVID-19 outbreak, please refer to OSHA's COVID-19 Safety and Health Topics page, located at [www.osha.gov/coronavirus](http://www.osha.gov/coronavirus). Additionally, specific employer guidance is available (for healthcare workers, airline workers, business travelers, etc.).

1. Preventing Worker Exposure to Coronavirus (COVID-19), OSHA publication 3989),

[www.osha.gov/Publications/OSHA3989.pdf](http://www.osha.gov/Publications/OSHA3989.pdf)

2. Guidance on Preparing for COVID-19, (OSHA publication 3990),  
[www.osha.gov/Publications/OSHA3990.pdf](http://www.osha.gov/Publications/OSHA3990.pdf).
3. [Lessons Learned: Frequently Cited Standards Related to COVID-19 Inspections](https://www.osha.gov/SLTC/covid-19/covid-citations-lessons.pdf), (November 6, 2020). <https://www.osha.gov/SLTC/covid-19/covid-citations-lessons.pdf>
4. [Common COVID-19 Citations: Helping Employers Better Protect Workers and Comply with OSHA Regulations](https://www.osha.gov/SLTC/covid-19/covid-citations-guidance.pdf). (November 6, 2020).  
<https://www.osha.gov/SLTC/covid-19/covid-citations-guidance.pdf>.

The CDC also maintains a website that provides information for employers concerned with COVID-19 infections in the workplace. The CDC has provided specific guidance for businesses and employers at the following CDC webpage, which is updated regularly: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/index.html>

1. For general information and guidance on the COVID-19 outbreak, please refer to the CDC's main topic webpage at [www.cdc.gov/coronavirus/2019-ncov/index.html](https://www.cdc.gov/coronavirus/2019-ncov/index.html).
2. Hospital Preparedness Assessment Tool, [www.cdc.gov/coronavirus/2019-ncov/hcp/hcp-hospital-checklist.html](https://www.cdc.gov/coronavirus/2019-ncov/hcp/hcp-hospital-checklist.html)
3. Also, for Infection Control Guidance, <https://www.cdc.gov/infectioncontrol/index.html>.

You may voluntarily provide this Area Office with progress reports on your efforts to address counterfeit respirators in the workplace. OSHA may return to your worksite to further examine the conditions noted above. The Marlton Area Office will follow up at a later date to evaluate any newly implemented policies, procedures, training, and or other measures taken to address the hazards identified above.

Enclosed is a list of available resources that may be of assistance to you in preventing work-related injuries and illnesses in your workplace. Additionally, general resources for compliance assistance are available at [www.osha.gov/employers/](http://www.osha.gov/employers/).

We appreciate your attention to these areas of concern. If you have any questions, please feel free to call me at 856-596-5200.

Respectfully,

*Paula Dixon-Roderick*  
Paula Dixon-Roderick  
Area Director