

Frederick Health & Safety Services, LLC.

June 28, 2020

TO: Vance Zimmerman, Industrial Relations Director
American Postal Workers Union

FROM: Jim Frederick

REGARDING: Face Mask Use, Safety, and Legality

Pursuant to your inquiry pertaining to the safety and legality of the use of face masks from June 28, 2020, I provide the following thoughts for your review and use.

It appears that a member of the American Postal Workers Union (APWU) shared the following (highlighted) statement in an email message to others, some who had an APWU email address on June 28, 2020.

It is unsafe to wear the provided masks that the USPS is handing out and a violation of OSHA guidelines and laws for anyone to ATTEMPT to force any employees to wear a face mask when they do not wish to. Please view the attached video and read the attached documents. I as well as several other employees will immediately report to OSHA any attempts to force us to wear masks since the usps is not doing it in a safe manner as prescribed by law. If anyone is sent home they , as they should , will expect to receive administrative pay for any and all hours lost. You can view the OSHA officials video at <https://youtu.be/FbtNsf5Ga2Q>. Thank you.

I reviewed the [referenced video on YouTube](#), but I did not find any attached documents to the email that are referenced in the email message. I noted that this video, other renditions of the same message, or similar videos have gone viral on the Internet recently. This video raises both safety and legality issues pertaining to face mask use.

This video is provided by Dr. John Diamond. Dr. John Diamond's YouTube channel is titled, "[Divine Worldview with Dr. John Diamond](#)." Other titles on this YouTube channel are listed below (including the number of views as of June 28, 2020):

- Face mask violate federal OSHA law (17K views)
- The Coming Civil War (172 views)
- America Unhinged (11 views)
- Headline Christian News (3 views)
- Appeal to Heaven Prayers (12 views)
- The Rise and Fall of America Intro (10 views)
- Book of Revelation (1 view)
- Christian Unity Series (no views)
- The Bill Nye Lies (4 views)
- The Mystery of Christ (2 views)

The June 28, 2020, email from an APWU member refers to Dr. John Diamond as an *OSHA official*. I do not believe that it is accurate to refer to Dr. Diamond as an OSHA official. I find no direct reference to him stating this nor does a search for “John Diamond” return any results from the OSHA webpage.

In fact, with the exception of the YouTube page associated to the video in the June 29th email, I was not able to find any references to this Dr. John Diamond on the Internet. I performed several Google searches with different parameters hoping to locate him, but did not. Further, I could not find a LinkedIn account or Facebook page for him. I did not perform an exhaustive search, so others may have success in finding a website, on-line references, or other social media accounts for him. Because I was not able to find any references for Dr. John Diamond I was not able to verify his professional qualifications.

Dr. John Diamond introduces himself as a former *OSHA certified confined entry specialist instructor with American Electric Power*.

It is important to note that OSHA does not certify confined entry specialists instructors. OSHA does maintain a database of authorized outreach program trainers. I thought that Dr. Diamond might have been one of these instructors when he introduced himself; however, a search of the [database of OSHA Outreach Trainers](#) with the last name of Diamond provides the following two results (neither are John Diamond):

[Find a Trainer](#) / Outreach Trainers

Outreach Trainers

This list will help you find OSHA-authorized trainers who conduct 10- and 30-hour Outreach Training classes in construction, general industry, maritime, or disaster site work. The Department of Labor/Occupational Safety and Health Administration lists only those trainers who have requested that their contact information be made public.

Trainers who want to be listed with OSHA's Outreach Training Program as an authorized trainer should contact their Authorizing Training Organization (OTI Education Center).

Inclusion on this list does not imply any endorsement by OSHA.

Industry	Trainer's Name	Trainer's City	Trainer's State	Phone
Subject	diamond	City	State	Phone
General Industry	Diamond, Dennis	Newnan	GA	404-423-2230
Construction	Diamond, Joshua	Provo	UT	801-400-4603



UNITED STATES
DEPARTMENT OF LABOR

Dr. John Diamond's video and the safety concerns that he raises are, in part, based on a clip that is included in his video from another video that is virally circulating on social media titled, [The Danger of Facemasks – Canadian Worker Tests Dangerous Oxygen Deprivation](#). This video has been circulating on the internet for a number of weeks. It has circulated on YouTube and other forms of social media with various titles. The YouTube clip that I found was posted by another user and not the person in the video. The person in the video certainly does not sound like he is from Canada, but he could be. He also makes references only to (US) OSHA, not Canadian national or provincial health and safety law, regulations or enforcement.

There are many related social media posts and videos about these videos that explain the basis of the claims made about the use of face masks. My understanding is that some of the spread of this information was done by automated bot accounts on social media.

One example of a video that debunks the claims made is titled, [No, masks don't create a dangerous atmosphere](#). This video can also be found on YouTube. This video features [Jeremy Howard from the University of San Francisco](#). Howard is one of the founders of the [#masks4all](#) movement, so he certainly has a specific view on this issue. Howard is a known professional and his credentials can be easily identified with an internet search or a review of his organization or the university websites.

I believe that the Jeremy Howard video clearly debunks the claim about a hazardous atmosphere made in Dr. John Diamond's video.

The June 28, 2020, email from the APWU members states, "*It is unsafe to wear the provided masks that the USPS is handing out.*" **I do not believe that there is any sound scientific basis or sound evidence for this claim from the example provided in email or the linked video.**

I also point to the many health care professionals who have worn surgical masks (like the face mask utilized in the video) for much of their shift, for years and years without adverse health effects as proof that there is not an imminent health risk associated with wearing a mask like the surgical mask presented in this video.

The second issue raised is the legality of employer required face masks in the U.S. The June 28, 2020, email from the APWU member raises important concerns.

- *I as well as several other employees will immediately report to OSHA any attempts to force us to wear masks since the usps (sic) is not doing it in a safe manner as prescribed by law.*
- *It is unsafe to wear the provided mask that the USPS is handing out and a violation of OSHA guidelines and laws for anyone to ATTEMPT to force any employees to wear a face mask when they do not wish to.*

If any worker at any time believes that they are required to work in unsafe conditions, they have a right to contact [OSHA and file a complaint](#). The basis of the Occupational Safety and Health Act of 1970, Public Law 91-596 (OSH Act), the Law that created OSHA, is that *each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees.* **However, I do not believe that OSHA will provide relief to the complainant(s) if the basis of the complaint is that the USPS is requiring them to wear a face covering. I also do not believe that the USPS is violating an OSHA requirement in their current face covering practice.** My understanding is that OSHA has received many related complaints, but

has yet to issue any citations against an employer. Many times, the union and its members can better address safety concerns that are not a clear cut OSHA violation with their employer.

The OSH Act is the original law that created OSHA. I do not know of a section of the law itself that the USPS is violating pertaining to the requirement that face masks are worn by postal service employees.

There are standards and regulations that OSHA establishes and enforces that relate to the implementation and use of face masks. These are primarily related to the use of personal protective equipment and can be found in the [OSHA General Industry Standards, Subpart I – personal protective equipment](#). However, not all face coverings are considered to be personal protective equipment by OSHA. A good explanation of this is included in two documents from the AFL-CIO titled, [Take Action to Address the Worldwide Shortage of Respirators and Face Protection for COVID-19 Response and Respirators, Masks and Face Shields](#).

There are also several OSHA [guidelines, alerts, frequently asked questions and enforcement guidance documents](#) that have been issued during the COVID-19 pandemic to assist workers and employers with navigating workplace health and safety. As these items illustrate, OSHA has provided leeway for employers to institute requirements for the use of face masks and/or face coverings. An example of a relevant guidance document is the [COVID-19 Guidance for Retail Workers](#). This guidance document provides specific instructions for the use of face masks. Also, an example of one of the frequently asked questions on OSHA's webpage is, "[Should workers wear a cloth face covering while at work, in accordance with the Centers for Disease Control and Prevention recommendation for all people to do so when in public?](#)" OSHA has provided a long answer to this that, in part, states,

OSHA generally recommends that employers encourage workers to wear face coverings at work. Face coverings are intended to prevent wearers who have Coronavirus Disease 2019 (COVID-19) without knowing it (i.e., those who are asymptomatic or pre-symptomatic) from spreading potentially infectious respiratory droplets to others. This is known as source control.

Finally, because the nature of the SARS-CoV-2 virus and COVID-19 are new (or novel), doctors, researchers, and everyone else are still learning about the virus and how best to control it. Face masks have become a hot button, often politicized, topic within the overall conversation pertaining to the COVID-19 pandemic. There is much information available and sometimes it is overwhelming, sometimes it is not accurate, and often it is confusing.

For example, there have been some documented concerns about the use of N-95 respirators and an increase of carbon dioxide inhalation by the user, but this was from limited research and the remedy for this is to occasionally step away from others and

remove the mask for some fresh air. This is not related to the face masks (like a surgical mask) in the video included in the June 28, 2020 email message.

The [University of Minnesota Center for Infectious Disease Research and Policy \(CIDRAP\)](#) has an excellent series of podcasts featuring Dr. Michael Osterholm. The June 3, 2020, podcast is titled, "[Special Episode: Masks and Science.](#)" This podcast provides a very thorough review of the current reviewed science on mask use and it is presented in straight forward language.

We remain in a disease pandemic and public health emergency that affects essentially all workers in every workplace. Thousands of new COVID-19 cases are being identified and hundreds of deaths are occurring each day. We see spikes of COVID-19 cases in some areas where safety precautions have been reduced. We want to reduce the risk of COVID-19 spreading in workplaces.