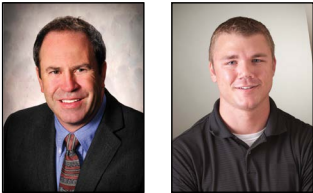


Counterfeit Respirators: Proactive Actions You Can Take

Hazards are ever-present in the steel plant environment, and a heightened awareness and emphasis on safety is a necessary priority for our industry. This monthly column, coordinated by members of the AIST Safety & Health Technology Committee, focuses on procedures and practices to promote a safe working environment for everyone.



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Until recently, there were some terms that were not commonly used when speaking about worker health and safety, such as counterfeit, fraud and price gouging. Now they are recognizable and commonly used.

Counterfeit is defined as something “made in imitation of something else with intent to deceive.” Fraud is the “intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right.” And price gouging is “charging customers too much money.”¹

The COVID-19 pandemic has resulted in an incredibly high demand for filtering facepiece respirators (FFR), and despite significant increases in production capabilities by respirator manufacturers, FFRs continue to be in short supply. Unfortunately, there are some businesses and individuals who have taken advantage of the situation for their own gain at the expense of organizations and worker health around the world. There has been a high demand for N95 respirators, with many counterfeit or misrepresentations of the National Institute of Occupational Safety & Health (NIOSH)-approved products being introduced. Counterfeit respirators are products that are falsely marketed and sold as being NIOSH approved and may not be capable of providing adequate respiratory protection to workers.

Proper Respiratory Protection

In the U.S., NIOSH is the approval agency that certifies respiratory protection equipment. If you are using N95s to help reduce exposure to occupational hazards, they should be NIOSH approved. There are

some clues and tips about NIOSH-approved respirators and what should be included on them:

- NIOSH-approved respirators have an approval label on or within the packaging of the respirator (i.e., on the box itself and/or within the user’s instructions).
- An abbreviated approval is on the FFR itself. You can verify the approval number on the NIOSH Certified Equipment List (CEL) or the NIOSH Trusted-Source page to determine if the respirator has been approved by NIOSH.
- NIOSH-approved FFRs will have one the following designations printed directly onto the respirator: N95, N99, N100, R95, R99, R100, P95, P99 or P100.

Fraudulent Respiratory Protection

The influx of counterfeit respirators and fraudulent activity — including price gouging — can have many negative impacts. These include products that do not meet the stated performance characteristics, damage to long-standing trust developed with business partners and end-user customers, and damage to company and brand reputation. Purchasing counterfeit or fake respiratory protection may put workers at risk. These products are of suspect quality and may not be capable of providing adequate respiratory protection to workers.

To help avoid purchasing counterfeit products, there are some things to look out for:

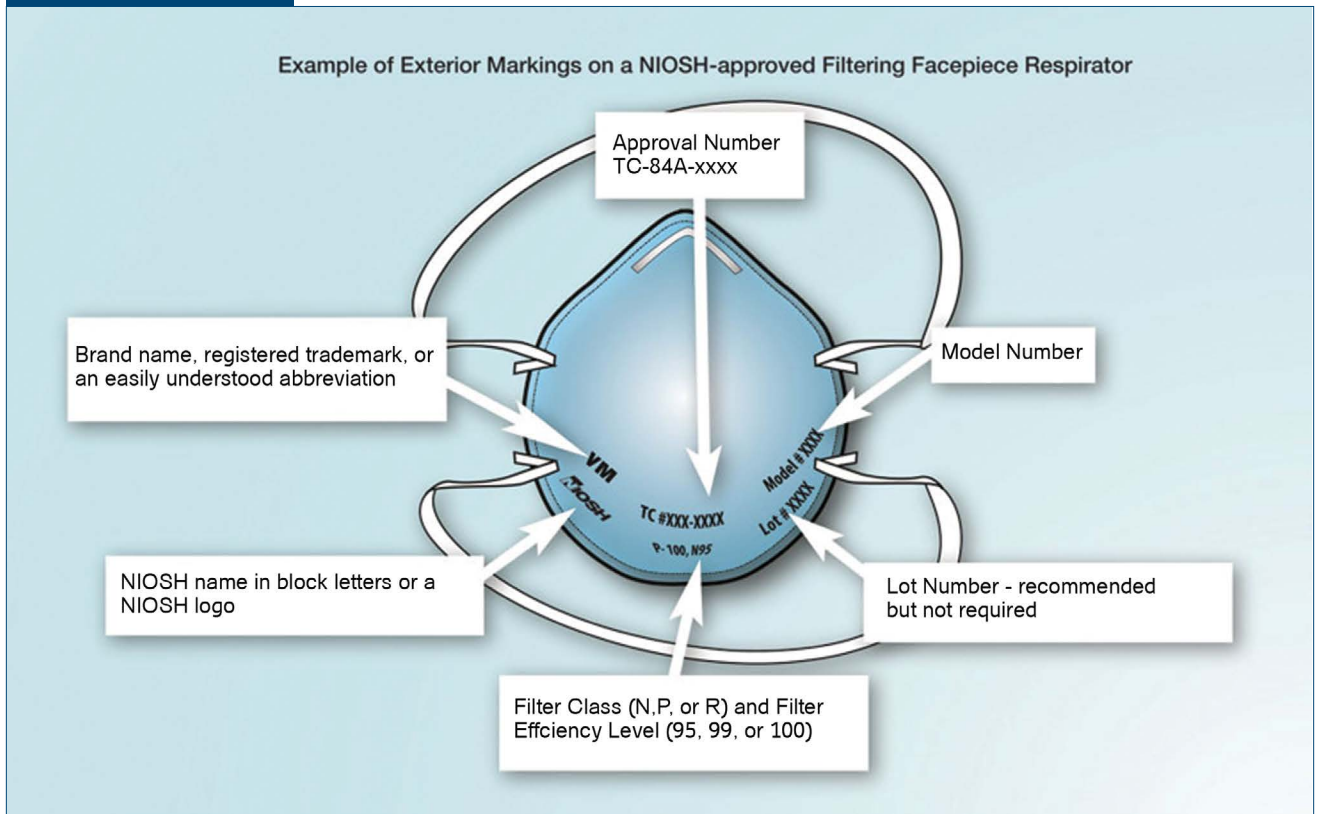
- If it looks wrong, it probably is. Respirator manufacturers are required to follow strict quality requirements. Some of these

Comments are welcome.

If you have questions about this topic or other safety issues, please contact safetyfirst@aist.org.

Please include your full name, company name, mailing address and email in all correspondence.

Figure 1



These markings should be included on the respirator if it is a NIOSH-approved respirator.⁴

fraudulent FFRs entering the marketplace could have quality imperfections such as missing or detached straps, blocked valves, faded or grainy packaging, or misspelled words. These are items you can see on the respirator to help determine authenticity.

- Look for the proper manufacturer's packaging and user instructions. Counterfeit products are often sold without packaging or are in substandard packaging that does not match the original manufacturer's packaging, and often do not contain important user instructions.
- Purchase respirators only from the respirator manufacturer's authorized dealer or distributor. Purchasing from an authorized distributor or dealer provides the greatest assurance that you will receive an authentic product.
- Beware of FFRs that are sold individually. Counterfeit respirators are often offered as loose, single pieces, or in bulk quantities without the manufacturer's usual high-quality shipping cartons and user instructions.

- Investigate further if the respirator appears to have been made or packaged for another country. Respirator requirements differ around the world, including requirements related to respirator performance, the local language, and local certification and approval for sale.

Some government agencies, including U.S. Centers for Disease Control and Prevention (CDC), are publishing information on counterfeit and fraudulent respiratory protection on their websites. Professional associations such as the British Occupational Hygiene Society (BOHS) are also publishing information to help users identify counterfeit products. These sources suggest the following are signs a respirator may be counterfeit:

- No markings at all on the filtering facepiece respirator.
- Presence of decorative fabric or other decorative add-ons (e.g., sequins).
- Improper or misspelled markings on the respirator.

If It Sounds Too Good to Be True, It Probably Is

Respirator manufacturers are dedicating a tremendous amount of resources to fight fraudulent activity. Through 18 September 2020, 3M Company (3M) alone has received more than 7,400 reports of fraudulent activity, filed 18 lawsuits, and has had more than 22,000 false or deceptive media posts and fraudulent e-commerce offerings removed.

Most respirator manufacturers partner with authorized distributors to work directly with customers. Offers from brokers, agents or other third parties should be carefully scrutinized. A requirement for letters of intent, payment in escrow, proof of funds or any other up-front payments may also be an indication of fraudulent activity.

The CDC suggests companies should use caution when exploring the use of third-party marketplaces to purchase respiratory protection:

- Beware of e-commerce sites or vendors you have not purchased from.
- Verification of product should be completed and in writing prior to purchasing.
- Pay particular attention to certain keywords or phrases that may be an indication of fraudulent activities.
- Claims like “genuine” or “legitimate” or claims of “unlimited quantities” may be possible warning signs of a fraudulent product.

What Can Be Done

If someone is selling counterfeit respirators or conducting other fraudulent activity, contact the respirator manufacturer immediately, and report the matter to the appropriate authority.

Knowing what to look for can make a world of difference and minimize the risk of being sold counterfeit respiratory protection. Most importantly, know who is selling the respirators. Fraudulent respirators are sometimes offered by third-party sellers using e-commerce sites to sell product. This doesn't mean e-commerce sites or marketplaces shouldn't be used, but it does warrant a closer look. As a best practice, a product purchased from an e-commerce site should be sold by the site itself.

If the product is not sold or shipped from the site it was purchased from, take steps to identify the seller, and be sure to look for a customer service phone number and address in case there are any issues.

If it's unclear if a respirator is counterfeit, visit the NIOSH website. NIOSH is publishing manufacturers' names and pictures of respirators to try to keep those who purchase FFRs informed. This is also a great resource to see examples of counterfeit respirators.⁴

All of this information can be overwhelming and it can be difficult to secure adequate proper respiratory protection. The importance of securing authentic NIOSH-approved FFRs is paramount. Those who wear respiratory protection are doing so to help protect themselves against some type of airborne occupational hazard. By doing some homework and verifying the authenticity of masks, the risk of potentially purchasing ineffective respiratory protection and dealing with subsequent potential health effects decreases.

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