

Oregon OSHA Proposes Changes to the **Personal Protective Equipment (PPE)** Standard in General Industry, Construction, Agriculture, and Maritime Activities

March 2008

Text proposed to be adopted/added is in **bold and underscored**.

Text proposed to be repealed/removed is in [~~brackets with line through~~].

Division 2/I, General Industry/Personal Protective Equipment

1910.132 General Requirements.

(a) Application. Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee-owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed.

NOTE: This paragraph (1910.132(d)) applies only to eye and face, head, foot, and hand protection. See 1910.132(g).

(d) Hazard assessment and equipment selection.

(1) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:

(i) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;

(ii) Communicate selection decisions to each affected employee; and, Select PPE that properly fits each affected employee.

NOTE: Nonmandatory Appendix B contains an example of procedures that would comply with the requirement for a hazard assessment.

(2) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

(e) Defective and damaged equipment. Defective or damaged personal protective equipment shall not be used.

NOTE: This paragraph (1910.132(f)) applies only to eye and face, head, foot, and hand protection. See 1910.132(g).

(f) Training.

(1) The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following:

(i) When PPE is necessary;

(ii) What PPE is necessary;

(iii) How to properly don, doff, adjust, and wear PPE;

(iv) The limitations of the PPE; and,

(v) The proper care, maintenance, useful life and disposal of the PPE.

(2) Each affected employee shall demonstrate an understanding of the training specified in paragraph (f)(1) of this section, and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.

(3) When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by paragraph (f)(2) of this section, the employer shall retrain each such employee. Circumstances where retraining is required include, but are not limited to situations where:

(i) Changes in the workplace render previous training obsolete; or

(ii) Changes in the types of PPE to be used render previous training obsolete; or

(iii) Inadequacies in an affected employee's knowledge or use of assigned PPE indicate that the employee has not retained the requisite understanding or skill.

(4) The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.

(g) Paragraphs (d) and (f) of this section apply only to §§1910.133, 1910.135, 1910.136, and 1910.138. Paragraphs (d) and (f) of this section do not apply to §§1910.134 and 1910.137.

(h) Payment for protective equipment.

(1) Except as provided by paragraphs (h)(2) through (h)(6) of this section, the protective equipment, including personal protective equipment (PPE), used to comply with this part, shall be provided by the employer at no cost to employees.

(2) The employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.

(3) When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.

(4) The employer is not required to pay for:

(i) The logging boots required by 29 CFR 1910.266(d)(1)(v); *NOTE: Oregon OSHA did not adopt 1910.132(h)(4)(i). In Oregon, Division 7, Forest Activities applies.*

(ii) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(iii) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(5) The employer must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(6) Where an employee provides adequate protective equipment he or she owns pursuant to paragraph (b) of this section, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer shall not require an employee to provide or pay for his or her own PPE, unless the PPE is excepted by paragraphs (h)(2) through (h)(5) of this section.

(7) This paragraph (h) shall become effective on February 13, 2008. Employers must implement the PPE payment requirements no later than May 15, 2008. ***NOTE: Oregon OSHA did not adopt 1910.132(h)(7). In Oregon, 1910.132(h) will be adopted May (to be determined), 2008 and become effective May 15, 2008.***

Note to § 1910.132(h): When the provisions of another OSHA standard specify whether or not the employer must pay for specific equipment, the payment provisions of that standard shall prevail.

Division 3/E, Construction/Personal Protective and Life Saving Equipment

1926.95 Criteria for Personal Protective Equipment.

(a) Application. Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee-owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed.

(d) Payment for protective equipment.

(1) Except as provided by paragraphs (d)(2) through (d)(6) of this section, the protective equipment, including personal protective equipment (PPE), used to comply with this part, shall be provided by the employer at no cost to employees.

(2) The employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.

(3) When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.

(4) The employer is not required to pay for:

(i) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(ii) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(5) The employer must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(6) Where an employee provides adequate protective equipment he or she owns pursuant to paragraph (b) of this section, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer shall not require an employee to provide or pay for his or her own PPE, unless the PPE is excepted by paragraphs (d)(2) through (d)(5) of this section.

(7) This section shall become effective on February 13, 2008. Employers must implement the PPE payment requirements no later than May 15, 2008. **NOTE: Oregon OSHA did not adopt 1926.95(d)(7). In Oregon, 1926.95(d) will be adopted May (to be determined), 2008 and become effective May 15, 2008.**

Note to § 1926.95(d): When the provisions of another OSHA standard specify whether or not the employer must pay for specific equipment, the payment provisions of that standard shall prevail.

Division 4/I, Agriculture/Protective Equipment

437-004-1005 General Requirements.

(1) Definitions.

Contaminant – Any substance that causes or can cause physical harm to a person by contact with or entry into the body.

Lanyard – A flexible line connected at one end to a body belt or harness and at the other end to an anchorage.

Lifeline – A flexible line engineered to serve as an anchorage for personal fall arrest or fall restraint systems.

Personal Fall Arrest System – a system that limits a person's fall to between 2 and 6 feet and prevents contact with a lower surface or obstacle.

Personal Fall Prevention/Fall Restraint System – a system that prevents a person from falling more than 2 feet. This includes positioning systems.

Personal protective equipment – Anything worn or used for protecting a person from personal injury or illness.

Safety belt – A strap around a person's waist for attachment to a personal fall restraint system.

~~(2) [Who must supply and pay. Employers must supply, at no cost to employees, all personal protective equipment that is not personal in nature. Payment for items that the worker can use off the job is subject to negotiation between labor and management. Such personal items include steel-toed footwear, nonspeciality safety glasses, some types of cold weather outer wear, and other things. If either the type of items or the character of their use make it impossible, unsafe or not customary for the employee to~~

~~use them off the job, the employer must pay for them.]~~ **Payment for protective equipment.**

(a) Except as in paragraphs (b) through (e), employers must provide, at no cost to the employee, all protective equipment, including personal protective equipment (PPE). For purposes of this rule, employees of labor contractors, labor leasing companies and temporary labor providers are the employees of the using employer. The using employer must supply PPE in compliance with this rule.

(b) Employers do not have to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, if the employer allows employees to wear the items off the job site.

(c) When employers provide metatarsal guards and allow the employee, to use shoes or boots with built-in metatarsal protection, employers do not have to reimburse the employee for the shoes or boots.

(d) Employers do not have to pay for:

(A) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(B) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(e) Employers must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(f) Where an employee provides their own adequate protective equipment the employer does not have to reimburse the employee for that equipment. (Also see paragraph (3))

This paragraph (2) is adopted on May (to be determined), 2008. Employers must implement the PPE payment requirements no later than the effective date May 15, 2008.

Note: When another OR-OSHA standard specifies whether or not the employer must pay for specific equipment, that standard applies over this one.

(3) Employees' equipment. If employees provide their own protective equipment, the employer is responsible for assuring that it meets OR-OSHA standards and is right for the job and hazards. The employer also must assure that it is clean and in good repair.

(4) Storage. When not in use, store personal protective equipment so that it will be clean and ready for use.

(5) Bad equipment. Do not allow workers to use defective or damaged personal protective equipment.

(6) Skin. Where needed, provide and require the use of protective coverings, aprons, ointments, gloves or other effective protection to employees exposed to materials that are hazardous to their skin.

(7) Follow instruction. Wear and use personal protective equipment according to the manufacturer's instructions.

(8) Watches and jewelry. Employees working where they might contact moving parts of powered machinery or live parts of electrical equipment, must not wear rings, watches, earrings, bracelets or other things that could cause a hazard.

(9) Try controls first. Contain or eliminate hazards at the source by administrative or engineering controls. Employees must use personal protective equipment where this is not feasible or where there are still hazards.

(10) Universal requirements. Personal protective equipment must meet these requirements:

- (a) provide adequate protection against the particular hazards for which it is used.
- (b) fit securely and not interfere with the movements of the wearer.
- (c) employees can clean or disinfect it.

Division 5, Maritime Activities

1915 Shipyard Employment

1915.152 General requirements.

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(f) Payment for protective equipment.

(1) Except as provided by paragraphs (f)(2) through (f)(6) of this section, the protective equipment, including personal protective equipment (PPE), used to comply with this part, shall be provided by the employer at no cost to employees.

(2) The employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.

(3) When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.

(4) The employer is not required to pay for:

(i) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(ii) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(5) The employer must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(6) Where an employee provides appropriate protective equipment he or she owns, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer shall not require an employee to provide or pay for his or her own PPE, unless the PPE is excepted by paragraphs (f)(2) through (f)(5) of this section.

(7) This paragraph (f) shall become effective on February 13, 2008. Employers must implement the PPE payment requirements no later than May 15, 2008. **NOTE: Oregon OSHA did not adopt 1915.152(f)(7). In Oregon, 1915.152(f) will be adopted May (to be determined), 2008 and become effective May 15, 2008.**

Note to § 1915.152(f): When the provisions of another OSHA standard specify whether or not the employer must pay for specific equipment, the payment provisions of that standard shall prevail.

1917 Longshoring

1917.96 Payment for protective equipment.

(a) Except as provided by paragraphs (b) through (f) of this section, the protective equipment, including personal protective equipment (PPE), used to comply with this part, shall be provided by the employer at no cost to employees.

(b) The employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.

(c) When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.

(d) The employer is not required to pay for:

(1) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(2) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(e) The employer must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(f) Where an employee provides adequate protective equipment he or she owns, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer shall not require an employee to provide or pay for his or her own PPE, unless the PPE is excepted by paragraphs (b) through (e) of this section.

(g) This section shall become effective on February 13, 2008. Employers must implement the PPE payment requirements no later than May 15, 2008. **NOTE: Oregon OSHA did not adopt 1917.96(g). In Oregon, 1917.96(g) will be adopted May (to be determined), 2008 and become effective May 15, 2008.**

Note to § 1917.96: When the provisions of another OSHA standard specify whether or not the employer must pay for specific equipment, the payment provisions of that standard shall prevail.

1918 Marine Terminals

1918.106 Payment for protective equipment.

(a) Except as provided by paragraphs (b) through (f) of this section, the protective equipment, including personal protective equipment (PPE), used to comply with this part, shall be provided by the employer at no cost to employees.

(b) The employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.

(c) When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.

(d) The employer is not required to pay for:

(1) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(2) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(e) The employer must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(f) Where an employee provides adequate protective equipment he or she owns, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer shall not require an employee to provide or pay for his or her own PPE, unless the PPE is excepted by paragraphs (b) through (e).

(g) This section shall become effective on February 13, 2008. Employers must implement the PPE payment requirements no later than May 15, 2008. **NOTE:** **Oregon OSHA did not adopt 1918.106(g). In Oregon, 1918.106(g) will be adopted May (to be determined), 2008 and become effective May 15, 2008.**

Note to § 1918.106: When the provisions of another OSHA standard specify whether or not the employer must pay for specific equipment, the payment provisions of that standard shall prevail.