

CRITERIA FOR PERSONAL PROTECTIVE EQUIPMENT

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SUBDIVISION E

PERSONAL PROTECTIVE AND LIFE SAVING EQUIPMENT

Authority: Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 1-90 (55 FR 9033), 6-96 (62 FR 111), 5-2002 (67 FR 65008), or 5-2007 (72 FR 31160), as applicable; and 29 CFR part 1911.

§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

E CRITERIA FOR PERSONAL PROTECTIVE EQUIPMENT / HEAD PROTECTION

(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) is adopted May 1, 2008 and becomes 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.

Stat. Auth.: ORS 654.025(2) and 656.726(34).

Stats. Implemented: ORS 654.001 through 654.295.

Hist: OR-OSHA Admin. Order 4-1999, f. 4/30/89, ef. 4/30/99.
OR-OSHA Admin. Order 5-2008, f. 5/1/08, ef. 5/15/08.

§1926.100 Head Protection.

(a) Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets.

(b) Helmets for the protection of employees against impact and penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.

(c) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2-1971.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).
APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

HEARING PROTECTION / EYE & FACE PROTECTION

E

§1926.101 Hearing Protection.

(a) Wherever it is not feasible to reduce the noise levels or duration of exposures to those specified in Table D-2, Permissible Noise Exposures, in §1926.52, ear protective devices shall be provided and used.

(b) Ear protective devices inserted in the ear shall be fitted or determined individually by competent persons.

(c) Plain cotton is not an acceptable protective device.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: APD Admin. Order 4-1989, f. 3/31/89, ef. 5/1/89 (temp).

APD Admin. Order 8-1989, f. 7/7/89, ef. 7/7/89 (perm).

§1926.102 Eye and Face Protection.

(a) General.

(1) Employees shall be provided with eye and face protection equipment when machines or operations present potential eye or face injury from physical, chemical, or radiation agents.

(2) Eye and face protection equipment required by this Part shall meet the requirements specified in American National Standards Institute, Z87.1-1968, Practice for Occupational and Educational Eye and Face Protection.

(3) Employees whose vision requires the use of corrective lenses in spectacles, when required by this regulation to wear eye protection, shall be protected by goggles or spectacles of one of the following types:

(i) Spectacles whose protective lenses provide optical correction;

(ii) Goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles;

(iii) Goggles that incorporate corrective lenses mounted behind the protective lenses.

(4) Face and eye protection equipment shall be kept clean and in good repair. The use of this type equipment with structural or optical defects shall be prohibited.

(5) Table E-1 shall be used as a guide in the selection of face and eye protection for the hazards and operations noted.