

99-04: Employer Payment for Personal Protective Equipment

Pacific Maritime Association

Accident Prevention Department

550 California Street, P. O. Box 7861

San Francisco, California 94120-7861

SAFETY BULLETIN 99-4

April 6, 1999

Employer Payment for Personal Protective Equipment

INFORMATION

Fed/OSHA published a notice of proposed rulemaking (NPRM) on March 31st to clarify who will pay for PPE. With few exceptions, the employer will be responsible for paying for PPE. The affected sections of 1917 & 1918 are listed below. If you would like to read the entire Federal Register on the subject, it is at OSHA's web site at www.osha.gov

The proposed new language is as follows:

Marine Terminals 29 CFR PART 1917 -- A new Section 1917.96 would be added to Subpart E, to read as follows:

Section. 1917.96 Payment for Protective Equipment.

All protective equipment, including personal protective equipment (PPE), required in this part, shall be provided by the employer at no cost to employees. Exception: The employer is not required to pay for safety-toe protective footwear, or for prescription safety eyewear, provided that all three of the following conditions are met:

- (a) The employer permits such footwear or eyewear to be worn off the job-site;
- (b) The footwear or eyewear is not used at work in a manner that renders it unsafe for use off the job-site (for example, contaminated safety-toe footwear would not be permitted to be worn off a job-site); and
- (c) Such footwear or eyewear is not designed for special use on the job.

Longshoring 29 CFR PART 1918 - A new Section, 1918.106 would be added to Subpart J, to read as follows:

Sec. 1918.106 Payment for Protective Equipment.

All protective equipment, including personal protective equipment (PPE), required in this part, shall be provided by the employer at no cost to employees. Exception: The employer is not required to pay for safety-toe protective footwear, or for prescription safety eyewear, provided that all three of the following conditions are met:

- a. The employer permits such footwear or eyewear to be worn off the job-site;
- b. The footwear or eyewear is not used at work in a manner that renders it unsafe for use off the job-site (for example, contaminated safety-toe footwear would not be permitted to be worn off a job-site); and
- (c) Such footwear or eyewear is not designed for special use on the job.

ACTION

Comments: Employers are advised to review the attached proposed rule and comment as appropriate. Comments must be postmarked on or before June 14, 1999. NOTE!! This date was extended to July 23, 1999!!! Send comments to OSHA Docket Office, Docket S-042, Room N-2625, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, DC 20210

Informal public hearing: OSHA is scheduling an informal Public Hearing to provide interested parties the opportunity to present information and data related to the proposed rule. All notices of intention to appear at the informal hearings must be postmarked by June 1, 1999, and sent to the above address. NOTE!!! THE HEARING WAS DELAYED TO August 10, 1999!!!

Vince Lamaestra Marc MacDonald

Assist Director Accident Prevention Director, Accident Prevention