

CELLY SERVICES, INC.

Environmental, Health and Safety Services

New Federal Law On Personal Protective Equipment

January 28, 2008

Many Occupational Safety and Health Administration (OSHA) health & safety standards require employers to provide their employees with protective equipment, including personal protective equipment (PPE), when such equipment is necessary to protect employees from job-related injuries, illnesses, and fatalities. These requirements address PPE of many kinds: hard hats, gloves, goggles, safety shoes, safety glasses, goggles, face shields, chemical protective equipment, and so forth. They state that the employer is to provide such PPE. However, these provisions do not specify that the employer is to provide such PPE at no cost to the employee.

In this new rule effective February 13, 2008, OSHA is requiring employers to pay for the PPE provided, with exceptions for specific items. The rule does not require employers to provide PPE where none has been required before. Instead, the rule merely stipulates that the employer must pay for required PPE, except in the limited cases specified in the standard. Employers have until May 15, 2008 to comply with the standard.

Employers may reimburse employees for PPE or keep a stock available for employees. Edwin Foulke Jr., OSHA Administrator, noted that worker safety is better ensured when employers purchase PPE to address hazards particular to their workplace. The rule contains exceptions for certain PPE such as safety-toe footwear, prescription safety eyewear, ordinary clothing, and ordinary weather related gear.

We at CSI note that California OSHA regulations have mandated long ago that the employer provide for all PPE other than street clothing. So, the new Federal law is going to have virtually no impact in California. In matters of Health & Safety, state regulations must be equal to or more rigorous than federal regulations.

We at CSI are firmly of the opinion that protecting an employee's health through proper usage of PPE is in the employers' best interest. PPE usage reduces injuries and illnesses, thereby reducing Workers' Compensation insurance premiums. Irrespective of the moral, humane or regulatory issues, the final word is that it pays to have your employees wear proper PPE. PPE policies must be adopted in writing and properly communicated to employees. Further, employees must be trained in the proper usage, maintenance, cleanliness and storage of PPE. PPE usage must be monitored; employees violating PPE policies must be subject to disciplinary action.

The article was authored by Sam Celly of Celly Services, Inc. Sam has been helping automobile dealers comply with EPA & OSHA regulations in California, Nevada, Arizona, Hawaii & Idaho since 1987. Sam received his BS & MS in Chemical Engineering followed by a JD from Southwestern University. Sam is a Certified Safety Professional & a Registered Environmental Assessor (CA). Your comments/questions are always welcome. Please send them to sam@cellyservices.com.