

SUBJECT: Personal Protective Equipment Used in General Industry.

Purpose: This directive provides inspection assistance related to the Personal Protective Equipment Standards, 29 CFR Part 1910, Subpart I, except for respiratory protection (1910.134) and electrical protective equipment (1910.137).

Scope: This instruction applies MNOSHA-wide.

Reference:

- 1) MNOSHA Instruction CPL 2-2.16A, "Safety Shoes in General Industry and Construction"
- 2) MNOSHA Instruction STD 3-3.2, "Hard Hats Used in Construction and General Industry"
- 3) MNOSHA Instruction CPL 2.111, "Paperwork and Written Program Violations"
- 4) Federal OSHA Instruction STD 1-6.6, "Inspection Guidelines for 29 CFR 1910, Subpart I, the Revised Personal Protective Equipment Standards for General Industry"

Background:

Minnesota OSHA adopted the revised PPE standards for general industry on October 24, 1994; the revised standards went into effect on October 29, 1994. Federal OSHA revised these standards because the original standards, adopted in 1971, were outdated and did not reflect current knowledge, practices, or technology. The revised standards for eye and face protection (1910.133), head protection (1910.135), and foot protection (1910.136) reference the latest editions of the corresponding standards published by the American National Standards Institute (ANSI). The revised safety standard for eye and face protection (1910.133) also changed provisions for eye and face protection. For example, it now addresses filter lenses for protection against radiant energy.

The general requirements of 1910.132 were revised by adding provisions that:

- (1) require employers to select appropriate PPE based on the hazards present or likely to be present in the workplace;
- (2) prohibit the use of defective or damaged PPE; and
- (3) require that employees be trained so that each affected employee can properly use the assigned PPE.

The respiratory protection standard (1910.134) is the subject of separate rulemaking and was not revised as part of this rulemaking.

Cancellation: This Instruction supersedes STD 1-6.6, "Personal Protective Equipment Used in General Industry," dated September 29, 2011.

ACTION:

A. **Inspection Guidelines.** The OSHI shall determine whether employers have assessed the workplace to determine if hazards are present, or likely to be present, which necessitate the use of personal protective equipment. The following guidelines provide a general framework to assist OSHIs during inspections of workplaces involving personal protective equipment.

1. **1910.132(d) - Hazard Assessment and Equipment Selection.** The OSHI shall verify that the employer has conducted a workplace hazard assessment, and has a written certification that identifies the workplace evaluated, the person certifying that the evaluation has been

performed, and the dates of the hazard assessment. The document must be identified as a certification of hazard assessment.

- a. Grandfathering of Hazard Assessments.
 - (1) Employers who have performed appropriate hazard assessments of their worksites prior to October 29, 1994, (effective date of the revised standards in Minnesota) conforming to the requirements of 1910.132(d) may rely upon such hazard assessments as compliance with the standard. (Grandfathering of hazard assessments)
 - (2) An employer may also rely upon a hazard assessment conforming to 1910.132(d) that a previous employer had conducted for the worksite prior to October 29, 1994, provided that the job conditions have not substantially changed.
 - (3) If an employer relies upon a hazard assessment that it or another employer conducted prior to October 29, 1994, the certification required by 1910.132(d)(2) may contain the date the employer determined that the prior hazard assessment was adequate rather than the date of the actual assessment.
 - b. If an employer has done a hazard assessment and correctly determined that no hazards requiring PPE exist but failed to complete the required certification of hazard assessment, no citation shall be issued.
 - c. If an employer has done a hazard assessment, determined that hazards exist which require, PPE, has provided the PPE but failed to complete the certification of hazard assessment, no citation shall be issued. The OSHI shall determine if the employer has selected and is having each affected employee use the proper types of PPE to protect the employee from identified hazards, has communicated selection decisions to each affected employee, and has selected PPE that properly fits each affected employee. Any deficiencies in these areas should be cited under 1910.132(d)(1).
 - d. If an employer has not done a hazard assessment and the OSHI recognizes the hazard potential exists, group 1910.132 (d)(1) and 1910.132 (d)(2). Note: 1910.132 (d)(1) and 1910.132 (d)(2) may only be grouped with violation in .133, .135, .136. and .138 This should generally be cited serious if grouped with a citation for failing to provide appropriate PPE.
 - e. Where the employer provides appropriate PPE as part of an existing PPE program, MNOSHA will allow the employer's written policy of requiring all employees to use required PPE to serve as evidence of an adequate hazard assessment and 1910.132(d)(2) will not be cited.
2. 1910.132(e) - Defective and Damaged Equipment. The OSHI shall determine if the employer is using defective or damaged personal protective equipment. Where PPE is provided but is not adequate, cite either 1910.132(e) if the PPE is damaged or defective; or cite the appropriate provision if the PPE does not comply with applicable requirements (i.e., cite 1910.136(b) if safety shoes do not meet the ANSI requirements; 1910.135(b) if protective helmets do not meet ANSI requirements, etc.)

3. 1910.132(f) - Training. The OSHI shall evaluate the employer's training programs to determine whether the programs meet the requirements of the revised personal protective equipment standards.
 - a. The OSHI shall determine if employees are trained to know at least the following:
 - When PPE is necessary;
 - What PPE is necessary;
 - How to properly don, doff, adjust, and wear PPE;
 - The limitations of the PPE;
 - The proper care, maintenance, useful life and disposal of the PPE.
 - b. Grandfathering of Training.
 - (1) An employer may rely upon training conforming to 1910.132(f) that a previous employer provided an employee, or the knowledge and ability to use PPE properly that an employee has gained through his or her prior experience, in determining if an employee has the requisite knowledge and skill.
 - (2) If the employer relies upon training provided by another employer to an employee prior to October 29, 1994, or relies upon the knowledge and ability gained by an employee through his or her experience, the certification may contain the date that the employer determined that the prior training, or the employee's knowledge and ability, was adequate rather than the date of the actual training.
 - c. The employer shall verify that each affected employee has received and understands the required training through a written certification that contains the name of each employee trained, the dates of training, and that identifies the subject of the certification.
 - i. The employer may use any convenient format that contains the required information. It may be a single certification for all employees, for an identified group of employees (based on a common task, type of exposure, or other appropriate characteristic), or for one or more named employees, provided the document contains the required information.
 - ii. The certification document need only indicate that it is a certification of training for the PPE being used by the employee. It need not identify the specific category (e.g., eye and face protection), type (e.g., goggles), or model of PPE covered by the certification.
 - d. Cite 1910.132(f) where the OSHI recognizes the hazard potential and the employer has not provided training or has not provided complete training, regardless of whether or not appropriate PPE is provided or a hazard assessment has been done. This should generally be cited non-serious.
4. 1910.133 - Eye and face protection. Each affected employee shall use appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

- a. Detachable side protectors (e.g., clip-on or slide-on side shields) meeting the pertinent requirements of this standard are acceptable.
- b. The OSHI shall assure that each employee who wears prescription lenses while engaged in operations that involve eye hazards is wearing eye protection that incorporates the prescription in its design, or protection that can be worn over the prescription lenses without disturbing the proper position of the prescriptive lenses.
- c. The OSHI shall assure that each affected employee using protective eyewear with filter lenses has eyewear with a shade number appropriate for the work being performed for protection from injurious light radiation.
- d. Protective eye and face devices purchased after October 29, 1994, shall comply with ANSI Z87.1-1989, "American National Standard Practice for Occupational and Educational Eye and Face Protection," or shall be demonstrated by the employer to be equally effective.

Eye and face protective devices purchased before October 29, 1994, shall comply with the ANSI "USA Standard for Occupational and Educational Eye and Face Protection, Z87.1-1968," or shall be demonstrated by the employer to be equally effective.

- e. Safety glasses or faceshields that meet ANSI specifications offer protection from impact hazards (i.e., flying particles). Tight fitting goggles are necessary for protection from splash hazards and irritating mists from harmful liquids and chemicals.
5. 1910.135 - Head Protection. Each affected employee shall wear protective helmets when working in areas where there is potential for injury to the head from falling objects. Also, protective helmets shall be designed to reduce electrical shock hazards when employees are working near exposed electrical conductors. [See MNOSHA Instruction STD 3-3.2, "Hard Hats Used in Construction and General Industry," for additional information.]
 6. 1910.136 - Foot Protection. Each affected employee shall wear protective footwear when working in areas where there is a danger of foot injuries due to falling and rolling objects, objects piercing the sole, and where such employee's feet are exposed to electrical hazards. [See MNOSHA Instruction CPL 2-2.16A, "Safety Shoes in General Industry and Construction," for additional information.]
 7. 1910.138 - Hand Protection. Employers shall select and require employees to use appropriate hand protection when employee's hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes.
- B. Employer Obligation to Pay for Personal Protective Equipment. The personal protective equipment standards, 1910.132 through 1910.138, establish the employer's obligation to provide personal protective equipment to employees. In those work situations where it is customary for workers to provide their own PPE without compromising employee protection, 1910.132(b) requires the employer to assure the adequacy of such equipment.

The "worker-provided" clause in the general industry PPE standard and also in the construction industry PPE standard has raised a question concerning when employers are required to pay for PPE as well as "provide" it. It should be noted, there are differences in the Federal and Minnesota OSH Acts' requirements pertaining to PPE

1. Minnesota's Requirements. Minnesota Statute § 182.655, subd. 10(a), requires the employer to provide suitable personal protective equipment "...by and at the cost of the employer." Current interpretation of this requirement is that the employer is responsible for providing at least the minimum cost of PPE that is of a type necessary for the job being performed. If employees want more expensive PPE, the employer has the option to pay the entire cost or have the employee pay the difference between the minimum type necessary to provide the protection and the option the employee is selecting.
 - a. Eye Protection--prescription lenses. If employees who wear prescription lenses work in operations or areas which involve eye hazards, the employer has the option to provide eye protection that incorporates the prescription in its design or provide protection that goes over the prescription lenses. If the employer chooses to provide eye protection that incorporates the prescription, the employer must pay the cost of the eye protection (i.e., the lenses and frames for safety glasses). The employee is responsible for paying for the prescription (eye examination).
 - b. Safety Shoes--more expensive type. The employer must pay the cost of the minimum type of safety shoes necessary to provide the needed protection. If an employee wants a more expensive pair of safety shoes or boots, the employer has the option of paying the entire cost or having the employee pay the difference between the minimum type necessary to provide the protection and the option the employee is selecting.
 - c. Defective or damaged PPE. The employer is responsible for paying the cost of replacing or repairing defective or damaged PPE.

Minnesota Statute § 182.655, subd. 10(a), will be cited where PPE is required but is not paid for by the employer. The OSHI should reference the appropriate standard which requires the PPE to be provided in the AVD. The need for PPE should be substantially documented in the instance description of the 1B-worksheet. Since the issue of payment is not directly related to employee safety (the PPE is already provided), failure to pay should be cited as non-serious.

All cases where § 182.655, subd. 10(a), is cited for failure to pay for PPE will be forwarded for Area Supervisor /Director for review prior to issuance.

2. Federal Requirements. The revised PPE standard requires employers to provide and to pay for personal protective equipment required by the company for the worker to do his/her job safely and in compliance with OSHA standards. Where equipment is personal in nature and may be used by workers off the job, the matter of who pays for the PPE may be left to labor-management negotiations. Examples of PPE that is personal in nature and often used away from the worksite include non-specialty safety glasses and safety shoes. However, shoes or outerwear subject to contamination by carcinogens or other toxic or hazardous substances which cannot be safely worn off-site must be paid for by the employer. The federal interpretation does not apply in Minnesota.

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