

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health
Keeping Washington safe and working

5.15

Personal Protective Equipment

Date: July 20, 2011

I. Purpose

This directive establishes DOSH policy and enforcement direction regarding the provision and use of personal protective equipment (PPE).

II. Scope

This directive applies to all DOSH personnel statewide. It replaces all previous direction whether formal or informal, and will remain in effect until otherwise modified or cancelled by DOSH.

III. References

- OSHA CPL 02-01-050, Enforcement Guidance for Personal Protective Equipment in General Industry
- OSHA CPL 02-01-049, Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment.
- OSHA Final Rule, Employer Payment for Personal Protective Equipment, Federal Register 72:64341-64430.
- WAC 296-800-160, Personal Protective Equipment
- WAC 296-800-360, Using Standards from National Organizations and Federal Agencies
- NFPA 70E Standard for Electrical Safety in the Workplace
- DOSH Compliance Manual
- OSHA Publication 3151-12R-2003, Personal Protective Equipment
- <http://www.osha.gov/Publications/osha3151.pdf>
- DOSH Personal Protective Equipment Guide
<http://www.lni.wa.gov/WISHA/publications/PPEGuide/PPEGuideVol-1.pdf>
- DOSH Personal Protective Equipment web page
<http://www.lni.wa.gov/safety/topics/atoz/topic.asp?KWID=215>

IV. Background

In 2010 DOSH updated its rules on personal protective equipment (PPE) to clarify that the employer is required to provide necessary PPE to the employee at no cost. The update does not require employers to provide PPE where none has been required before. Instead, the rules merely stipulate that in all industries the employer must pay for required PPE, except in the limited cases specified in the rule.

PPE requirements have also been updated to be more consistent with current consensus standards regarding good industry practices, as reflected by the latest editions of the pertinent American National Standards Institute (ANSI) standards.

V. Enforcement Policy

This Directive provides general guidance for the enforcement of rules applicable to personal protective equipment (PPE) in all industry sectors. The Compliance Safety and Health Officer (CSHO) shall determine whether the employer is in compliance with PPE requirements. Initially, apply the most specific PPE rule to the hazard or industry sector, and apply general PPE rules (WAC 296-800-160) to situations not covered by a specific rule. When a PPE rule does not fully address a hazard, the CSHO shall determine whether a citation under WAC 296-800-110, Employer Requirements: Safe workplace, shall be issued. The CSHO shall refer to the DOSH Compliance manual in regards to safe workplace citations.

Note: Appendix A in this directive lists WISHA rules that contain PPE requirements.

Rules requiring the employer to provide personal protective equipment (PPE), including respirators and other types of PPE impose a separate compliance duty with respect to each employee covered by the requirement. The employer must provide PPE and training to each employee required to use the PPE, and each failure to provide PPE or training to an employee may be considered a separate violation.

A. Hazard Assessment.

1. The CSHO shall determine that a PPE hazard assessment has been completed in relation to body, eye, face, head, foot, hand, and drowning hazards. A violation of WAC 296-800-16005 shall be issued if a PPE hazard assessment has not been completed.

Note: PPE Hazard Assessment tools and resources can be found on the DOSH PPE web page <http://www.lni.wa.gov/safety/topics/atoz/topic.asp?KWID=215>

2. The CSHO shall determine whether the employer has certified in writing that a hazard assessment has been conducted. A violation of WAC 296-800-16010 shall be issued if no written certification has been performed.

If the certification does not include all elements listed in WAC 296-800-16010, classify as de minimus.

3. Employers may rely on previously conducted, appropriate hazard assessments even if performed by a previous employer, provided that the job conditions and hazards have not substantially changed. If an employer relies upon a previous hazard assessment that it or another employer conducted, the certification shall contain the date the employer determined that the prior hazard assessment was adequate rather than the date of the actual assessment.
4. The CSHO should determine whether the employer performed a reassessment based on changes in the workplace or work practices, such as those associated with the installation of new equipment and the lessons learned from reviewing accident records, and a reevaluation performed to determine the suitability of PPE selected for use. To have continuing relevance and validity, it should be conducted at “intervals” and on a schedule dictated by the risks in the workplace. However, the employer is not explicitly required to review the hazard assessment on any periodic basis.

B. PPE Selection.

1. The CSHO shall determine whether the employer has selected PPE that is required to protect the employee from identified hazards. A violation of WAC 296-800-16015(1) shall be cited for the failure to select appropriate PPE.

Determine what personal protective equipment (i.e., hearing protection or respirators) is relevant to exposure the employer requires, and whether employees use it. Document all PPE and describe it as specifically as possible. Include the manufacturer’s name and any identifying numbers.

2. The CSHO shall determine whether the employer has selected PPE that properly fits each affected employee. The CSHO shall cite WAC 296-800-16015(2) if the PPE selected does not properly fit.
3. The CSHO shall cite more specific assessment and selection provisions when applicable. For example, the Ship Building, Ship Repairing and Ship Breaking rule (Chapter 296-304 WAC) includes requirements for eye and face, respiratory, hearing, head, foot, hand, body, and fall protection.

C. PPE Provision.

1. The CSHO shall determine that the employer is providing required PPE at no cost to the employee. See [WAC 296-800-16020, Table X](#) for examples of PPE that employers are required to provide at no cost to the employee, and items in which employer payment is not required.

Refer to OSHA CPLs 02-01-050 and 02-01-049 for additional guidance on employer obligations to provide and pay for PPE.

Note: In Chapter 296-304 WAC, Shipbuilding, Ship Repairing and Shipbreaking, there are further examples of PPE that may be provided at no cost. Examples of PPE where provision is subject to labor-management negotiation include but are not limited to:

- *Leather boots with or without steel toes*
 - *Coats to protect against inclement weather*
 - *Prescription protective eye wear (except as part of a full face piece or hooded respirator).*
2. Citations shall be issued under WAC 296-800-16020 whenever the employer charges an employee for the cost of required PPE. Employers shall be cited when they have failed to pay for replacement PPE at no cost, except in cases where the employee has lost or intentionally damaged the PPE. Citations shall be issued under WAC 296-800-16020 when the employer requires an employee to use PPE he or she already owns, unless the PPE is exempted.
 3. In cases where an employer is cited for failing to provide PPE, an additional citation should not be issued for failure to pay for the PPE.
 4. The employer is responsible to ensure that employees use required PPE. A violation of WAC 296-800-16040 shall be issued where the employer is not adequately enforcing use. Document specific examples.
 5. The employer may allow the use of employee owned PPE as long as the PPE provides adequate safety and the employer ensures that it is maintained in a clean, sanitary, and reliable condition.
 6. CSHOs shall cite WAC 296-800-16015 when the employer did not provide employees high visibility, reflective, warning clothing or vests for any hazards identified in general industry where high-visibility clothing would be appropriate.
 7. The CSHO shall cite WAC 296-800-160 where the employer does not provide protective clothing e.g., flame resistant clothing in a sanitary and reliable condition whenever it is necessary by reason of flash fires capable of causing injury to parts of the body.

D. Training.

1. The CSHO shall determine whether the employer has trained each employee who is required to use eye, face, head, foot, hand, body, and drowning protection.
2. The provision(s) corresponding to the training elements listed in WAC 296-800-16025 shall be cited if any employee has not been trained on all of the element(s).
4. The CSHO shall determine whether each employee who performs work requiring the use of PPE can demonstrate an understanding of the required training, and the ability to use PPE properly. Lack of an employee's knowledge in or use of, assigned PPE would be indicative that the employee was not adequately trained. A violation of WAC 296-800-16025 shall be cited where the employer fails to meet this requirement.

The CSHO shall determine whether changes in the workplace or in the types of PPE used have made previous training obsolete. A violation of WAC 296-800-16035 shall be cited with reference to the circumstances if the employer has not retrained each affected employee. The CSHO shall evaluate the possible necessity for an employer to retrain the affected employee by considering if there has been:

- Changes in occupation or work that render previous training obsolete; or
- Changes in the types of PPE to be used that render previous training obsolete; or
- Inadequacies in an employee's knowledge or use of assigned PPE indicating that the employee has not retained the requisite understanding or skill.

5. A citation shall not be issued under WAC 296-800-16025 if the current employer did not provide training, but another or previous employer has provided training, and the job conditions and hazards have not substantially changed. The CSHO should determine if the employee has the requisite knowledge and skill through his or her prior experience.

If an employer relies upon training provided by another employer, written documentation must contain the date that the current employer determined that the prior training or the employee's knowledge was adequate, rather than the date of the actual training.

6. The CSHO shall determine (e.g., by interviews, PPE demonstrations) whether the employer has documented that each affected employee has received and understands the required training. A violation of WAC 296-800-16035 shall be cited if an employer cannot produce such documentation.

If the documentation does not include all elements listed in WAC 296-800-16010, classify as de minimus.

Note: Employers may use any format that contains the required information. It may be a single document for all of its employees, for a group of employees (based on a common task, type of exposure, or other appropriate characteristic), or for one or more named employees. The document only needs to indicate that it is a certification of training for PPE being used by the employee. It's not necessary to identify the specific category of PPE (e.g., eye and face protection), type (e.g., goggles), or model of PPE covered.

E. PPE Maintenance.

1. A violation of WAC 296-800-16045 shall be cited when the employer fails to ensure that PPE is maintained in a sanitary and reliable condition.

Note: When PPE is used for emergency response, the CSHO should review emergency response procedures and inspection schedules for emergency PPE. See Chapter 296-824 WAC, Emergency Response.

2. A violation of WAC 296-800-16045 shall be cited when the employer allows the employee to use defective or damaged PPE that no longer provides the protection that it was designed to provide.

F. Citing Specific PPE hazards.

Reference OSHA CPLs O2-01-050 and 02-01-049 for additional guidance on eye, face, head, foot, hand, and drowning protections.

NOTE: Construction activities at any workplace (e.g. shipyards, agricultural operations), such as the erection of building structures, are covered by the construction standards (Chapter 296-155 WAC).

1. The CSHO shall verify whether employers provide their affected employees with appropriate eye, face, head, foot, hand, and drowning protection as required by WACs 296-800-16050 through 16070 or other more specific rules. Cite the specific WAC for violations of each PPE type (e.g., WAC 296-304-09017 contains the lifesaving equipment specifications appropriate to Shipbuilding, Ship Repairing and Shipbreaking).

Note: The CSHO should reference DOSH Personal Protective Equipment Guide. For examples of different types of PPE, go to:

<http://www.lni.wa.gov/WISHA/publications/PPEGuide/PPEGuideVol-1.pdf> .

2. The CSHO shall cite the standards for the use of eye and face protective devices, head protection, and foot protection, if the PPE provided by the employer does not meet the ANSI standards incorporated by reference in those standards. A citation shall not be issued for a violation of the applicable PPE standard if the employer is in compliance with more current standards or demonstrates that a piece of equipment is as effective as that complying with the incorporated ANSI standard. (See WAC 296-800-360.)

G. Respiratory Protection.

When applicable, CSHOs shall determine if an employer has complied with the requirements in Chapter 296-842 WAC, and other substance specific standards that contain respiratory protection elements. Chapter 296-842 WAC applies to respirator use:

- Where respirators are being worn to protect employees from exposure to air contaminants above an exposure limit, or are otherwise necessary to protect employee health, and
- Where respirators are otherwise required to be worn by the employer, and where respirators are voluntarily worn by employees for comfort or for other reasons.

The standard requires employers to have a written respiratory protection program that includes procedures for:

- Respirator selection, use, fit testing, and cleaning, maintenance and repair
- Training in respirator use and respiratory hazards
- Medical evaluations of employees required to use respirators
- Procedures for ensuring adequate breathing air, and
- Evaluating the respiratory protection program's effectiveness.

Note: Reference OSHA CPLs 02-01-050 and 02-01-049 for additional guidance on respiratory protection.

H. Hearing Protection.

1. CSHOs should determine if an employer has complied with the requirements in Chapter 296-817 WAC, and other industry specific standards that contain hearing protection elements. When permissible noise exposure levels are exceeded, and feasible administrative or engineering controls fail to reduce the noise level to below the PEL, the employer must provide hearing protection to each affected employee. CSHOs shall determine whether employers have identified all affected employees and ensure each employee exposed above permissible noise levels wears appropriate hearing protection.
2. Hearing protection equipment must be replaced as necessary (WAC 296-817-20015), as all types of PPE have a limited life span. For example, the foam seal on earmuffs, flanges on rubber earplugs, and foam earplugs all lose their elasticity over time. As hearing protectors wear out, their attenuation properties are diminished. Also, the headband on earmuffs can relax so that they no longer provide a snug fit. Although some foam earplugs can be washed several times in mild soap and water, they should usually be changed every day or two, especially in dusty or oily environments. They should not be removed with dirty hands if they are expected to be reused, as reinsertion of dirty earplugs may cause ear infections.

Note: Reference OSHA CPLs 02-01-050 and 02-01-049 for additional guidance on hearing protection.

I. Fall Protection

In general industry, before citing for lack of fall protection PPE (fall harness, life line, anchor point), first check to see if the fall hazard can be engineered out of the process by referring to WAC 296-800-250, Stairs and Stair Railing, and WAC 296-800-260, Floor Openings, Floor Holes, and Open-sided Floors. For fall protection on ladders, elevating work platforms, scaffolds, powered platforms, and powered industrial trucks, refer to the specific sections for PPE in Chapters 296-876, 869, 874, 870 and 863 WAC. For fall protection requirements in construction refer to Chapter 296-155 WAC, Part C-1.

Note: For shipyard work, reference WAC 296-304-09019 Fall Protection general requirements, WAC 296-304-09021, Personal Fall Arrest Systems (PFAS), WAC 296-304-09023, Positioning Device Systems, and CPL 02-01-049, Sections I and J.

J. Applicable Electrical Standards (PPE Implications).

Working on deenergized circuits is preferred, but when this is not feasible the employer must ensure that precautions for working on energized circuits are taken. This includes the proper selection of PPE appropriate for protecting employees from the hazards of shock, arc flash and arc blast. CSHOs can refer to WAC 296-24-960, *Working on or near exposed energized parts*, for the required work practices and WAC 296-24-980, *Safeguards for personnel protection*, for PPE requirements. The CSHO may wish to consider reviewing the NFPA 70E, as it can be helpful in making an assessment to determine if the proper PPE has been provided to electrical workers.

Note: Additional information can be found on OSHA's Best Practices for Arc Exposures and Use of FR Clothing web page

http://osha.gov/SLTC/etools/electric_power/ppe_bestpracticesforarc.html

K. Flame Resistant Clothing.

Employers are required to provide flame resistant clothing, at no cost to employees, for applications such as, but not limited to, the handling of flammable chemicals.

A violation of WAC 296-800-160 shall be cited for failure to provide and ensure the use of flame resistant clothing necessary to protect employees from burns due to flash fires.

Note: Additional information can be found on OSHA's Flame Resistant Clothing web page at http://osha.gov/SLTC/etools/electric_power/ppe_flameresistantclothing.html

L. Technical Support

If questions related to citing the PPE requirements for any given standard do arise, further assistance can be sought by contacting the appropriate technical services personnel. A listing of technical services staff areas of responsibility can be found on the DOSH intranet page at:

[http://wisha.inside.lni.wa.gov/DivisionContacts/default.htm#Industrial_Hygienist -
_Assigned Areas of Responsibility](http://wisha.inside.lni.wa.gov/DivisionContacts/default.htm#Industrial_Hygienist_-_Assigned_Areas_of_Responsibility)

Approved:



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For more information about this or other DOSH directives, contact the Division of Occupational Safety and Health at P.O. Box 44610, Olympia, WA 98504-4610, or call 360-902-5436.

To review policy information on the DOSH website, go to: <http://www.lni.wa.gov/Safety>.

[Appendices A and B are attached to this Directive]

APPENDIX A

WAC Chapters that Include Personal Protective Equipment Requirements	
24 -General Safety and Health Standards	860 -Railroad Clearances and Walkways in Private Rail Yards and Plants
32 -Telecommunications	870 -Powered Platforms
37 -Commercial Diving Operations	874 -Scaffolds
45 -Electrical Workers	876 -Ladders, Portable and Fixed
54 -Safety Standards for Logging Operations	878 -Safety Standards for Window Cleaning
59 -Ski Area Facilities and Operations	305 -Safety Standards for Fire Fighters
62 -General Occupational Health Standards	307 -Safety Standards for Agriculture
78 -Sawmills and Woodworking Operations	800 -Safety and Health Core Rules
79 -Pulp, Paper and Paperboard Mills and Converters	811 -Fire Brigades
99 -Grain Handling Facilities	818 -Abrasive Blasting
301 -Safety Standards for the Textile Industry	823 -Bloodborne Pathogens
303 -Laundry Machinery and Operations	824 -Emergency Response
304 -Shipbuilding, Ship Repairing and Shipbreaking	826 -Anhydrous Ammonia
843 -Hazardous Waste Operations	828 -Hazardous Chemicals in Labs
848 -Arsenic	829 -Helicopters Used as Lifting Machines
849 -Benzene	835 -Dipping and Coating Operations (Diptanks)
855 -Ethylene Oxide	841 -Airborne Contaminants
856 -Formaldehyde	842 -Respirators

Note: For comparison, the OSHA PPE Standards Reference Table is located in Section XIV of CPL-02-01-050.

APPENDIX B

Personal Protective Equipment Payment Questions and Answers

1. **Are employers required to pay for lineman belts and hooks when used to comply with a WISHA rule?**

Yes. Lineman belts and hooks provide protection to employees from falls while climbing and/or performing work. This equipment is considered PPE and employers must pay for it when used to comply with a WISHA rule.

2. **Electrical employees may use fiberglass poles known as “hot sticks” to push over power lines when they are working on the lines. Are these poles regarded as PPE?**

No. While some specific and specialized tools have protective characteristics, such as electrically insulated “hot sticks” used by electric utility employees to handle live power lines, this equipment is more properly viewed as an engineering control that isolates the employee from the hazard. Therefore, they are not covered by the PPE payment standard. However, because they are an engineering control method, employers must pay for this equipment.

3. **As it pertains to prescription eyewear, would non-specialty safety eyewear furnished with permanent side shields be paid for by the employer?**

The PPE payment rule specifically exempts non-specialty prescription safety eyewear. Non-specialty safety eyewear worn to protect an employee from impact hazards typically has removable or permanent side shields to provide this protection. Employers are not required to pay for prescription safety eyewear with removable or permanent side shields as long as the employer provides safety eyewear that fits over the employee’s prescription lenses. (See preamble to 72 F.R. 64341-64430, Employer Payment for Personal Protective Equipment; Final Rule, November 15, 2007.)

4. **In some situations, employees are required to wear shoes with a slip resistant sole that are uniform in color. The employees wear the shoes to and from work and in other places outside of the work environment. These shoes are indistinguishable from ordinary “street” shoes and many different types of shoes with rubber soles. These employees are not exposed to hazards such as crushing or penetrating injuries or falling or rolling objects, requiring safety shoes with steel toes or metatarsal protection. In such cases, would the slip resistant shoes required here rise to the level of safety footwear with additional protection or more specialized protection, and, therefore, must be provided at no cost?**

No. The employer is not required to pay for non-specialty shoes that offer some slip-resistant characteristics, but are otherwise ordinary clothing in nature.

APPENDIX B
(Continued)

5. What are some examples of equipment that the standard does not require employers to pay for?

Employers are not required to pay for items worn to keep an employee clean for purposes unrelated to safety or health (e.g., denim coveralls and aprons worn solely to prevent clothing and/or skin from becoming soiled and unrelated to safety or health). In addition, the employer does not have to pay for uniforms, caps, or other clothing worn solely to identify a person as an employee. (See WAC 296-800-160 Table – X for *examples* of PPE and Other Items Exempted from the Employer Payment Requirements).

6. When an employer decides to use flame-resistant clothing (FRC) to protect employees from any type of fire exposure hazard (e.g., flash fire or arc flash) is the employer required to pay for the FRC?

Yes. The employer is required to provide, ensure use, and maintain protective clothing in a sanitary and reliable condition whenever it is necessary by reason of hazards, capable of causing injury in any part of the body. Where employees are exposed to electrical hazards (e.g., substations or electrical panels that present the potential for arc flash) refer to Safeguards for personnel protection, 29 CFR 1910.335 and WAC 296-800-160 for PPE.