

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health

Keeping Washington safe and working

5.92

Head Protection and All-Terrain Vehicles (ATVs)

Date: March 10, 2017

I. Purpose

This Directive provides guidance to DOSH enforcement and consultation staff, applicable to activities involving the requirements of WAC 296-800-16055 and WAC 296-307-10005(1), or similar requirements as they relate to head protection for employees operating motorcycles and all-terrain vehicles (ATVs).

II. Scope and Application

The Directive scope encompasses statewide workplace use of motorcycles, scooters, mopeds, and recreational off-highway vehicles (ROVs) including snowmobiles, all-terrain vehicles (ATVs), utility-terrain vehicles (UTVs), and comparable; hereafter collectively referred to as *ATVs and motorcycles*, or similar.

This Directive replaces, but does not substantively change the guidance in WRD 5.92, issued July 14, 2006.

III. References

- WAC 296-800-16055, Make sure your employees use appropriate head protection.
- WAC 296-307-10005, Who must provide personal protective equipment?

IV. Background

ATVs and motorcycles can be an efficient and economical substitute for pick-up trucks, horses, tractors, and even walking in various industries; and therefore can be found on all types of farms, ranches, groves, forestry operations, nurseries, greenhouses and many other workplaces.

As with any vehicle, ATVs and motorcycle use can be hazardous to employees. These hazards are well documented. In relation to ATVs, the Consumer Product Safety Commission reports that an estimated 90,000 individuals are treated for injuries in hospital emergency rooms every year, nearly 10,000 of those are hospitalizations, and there are over 120 ATV related deaths annually. Nearly 50 percent of ATV injuries and fatalities involve young people under the age of 16. Twenty percent of the fatalities involve children under 12 years of age. A recent study indicated that 16.4 percent of all ATV accidents occur on farms, resulting in more than 20 farm fatalities annually.

While there are no WISHA requirements specific to motorcycles or ATVs, there are general standards which require head protection when engaging in activities on the job where a significant potential for head injury exists.

WAC 296-800-16055 requires employers to “make sure ... employees use appropriate head protection [in situations] where employees are exposed to hazards that could cause a head injury.” Similar requirements can be found in industry-specific standards, such as agriculture, WAC 296-307-10005(1) and construction, WAC 296-155-200(1)(a).

V. Interpretive Guidance

The requirement to wear head protection in each of the applicable WISHA standards is triggered by the presence of a risk of head injury. One way such a risk can be recognized is in the guidance provided by equipment manufacturers and distributors.

Motorcycle and ATV manufacturers consistently recommend the use of appropriate head protection. These manufacturer’s recommendations and the general requirements for personal protective equipment together establish an obligation for employers to ensure appropriate helmets are provided and used.

VI. Enforcement Protocols

- A. DOSH staff must evaluate a situation to determine if appropriate head protection or head injury hazard mitigation techniques are being used while employees operate ATVs and motorcycles. All decisions should be described and documented.

Note: Appropriate head protection refers to head protection approved for the use in question by the United States Department of Transportation (DOT), the American National Standards Institute (ANSI Z90.1), or the Snell Memorial Foundation.

Head injury hazard mitigation techniques may include:

1. Rollover protective structures.
 2. Seatbelts and other restraint devices.
 3. Windows/windshields and similar methods of head and eye protection.
 4. Other means such as; mechanical speed controls, or strict limitations on location, time and nature of use (e.g. flat areas during daylight hours which lack other vehicle/pedestrian traffic) documented in an employer’s written APP.
- B. If an employer does not provide approved head protection or does not ensure that it is used, DOSH staff must issue a violation **only** if the following three conditions are met:
1. The specific manufacturer’s recommendations support the use of PPE in the situation in question.
 2. A meaningful hazard has been clearly documented based on the use in question.
 3. The hazard is not mitigated by other means (see Section A, above).

- C. To clearly document meaningful head hazards related to employee use of motorcycles and ATVs, DOSH personnel should record paths of travel noting the following:
 - Conditions (such as sloped, wet, potholed, poor lighting).
 - Composition (such as gravel, grass).
 - Distances and frequency of travel.
 - Speed of travel.
 - Weight/shape/placement of carried loads.
 - Any other contributing factors which either make collisions, tip-overs, and head injuries more likely, or any factors which contribute to an increase in severity of resulting injuries.

- D. If the employee operating the vehicle is not familiar with the owner’s manual and/or the operator’s procedures described therein (with special attention given to all relevant warnings), this lack of awareness should be given appropriate consideration, resulting in increased likelihood that a citation will be issued.

- E. In cases where a citation is issued, the inspector should reference the manufacturer’s recommendations, as documented by the owner’s manual and any warning decals on the machine itself.

- F. In cases where no citation is issued because a failure to follow manufacturer’s recommendations has not been documented, the inspector should advise the employer that the decision in this case does not indicate that a citation will not be issued in the future based on manufacturer’s recommendations.

- G. In cases where no citation is issued because the inspector is convinced that the employer has fully eliminated the hazard through alternative head protection or other measures (see above), the citation should include a message advising the employer that in other circumstances a citation might be issued if approved head protection is not being provided and used.

- H. In any case, DOSH staff must not advise an employer that approved helmets are not necessary when operating ATVs and motorcycles.

VII. Who to Contact

If DOSH staff have questions or need additional guidance or interpretive assistance, they are encouraged to contact Technical Services.

VIII. Expiration Date

This Directive will expire on March 10, 2019 or earlier, if replaced by some other method of sufficient guidance.

Approved: 

Anne F. Soiza
L & I Assistant Director
Division of Occupational Safety and Health