

**University of Rochester**

**Personal Protective Equipment Plan**

April 2008

## Revisions

12/23/97 Minor Wording Changes

7/29/98 Minor Wording Changes, JHA form updated

9/20/99 Prescription glasses updated

5/10/00 Job Hazard Assessment Section updated

General Requirements section- wording changed from “University” to “each department”

Changed Environmental Health and Safety to University Risk Management and

Environmental Safety

Deleted respirator language under EH&S responsibilities

Added SMH Tb program to the respiratory protection section

10/10/02 Changed URMES to EH&S

04/1/08 Update OSHA final rulemaking on “Employer Payment for Personal Protective Equipment”

Added link to PPE for Electrical Safety

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## Scope

This policy covers any University employee who, in the course of their duties, shall perform work in areas where recognized hazards are present. Examples of recognized hazards include, but are not limited to, chemical exposures, radiological exposures, sharp objects which may cut or puncture the skin, excessive noise, heavy objects which may fall onto the feet or head, flying debris which may be inhaled or may strike the eyes, LASER energy or other non-ionizing radiation, or any other hazard which may cause injury, illness, or impairment by inhalation, absorption, ingestion, injection, or mechanical action. Personal protective equipment shall not be used in areas where administrative or engineering controls are feasible and can provide protection equal to or greater than that offered by personal protective equipment.<sup>1</sup>

## General Requirements

OSHA's final rulemaking on "Employer Payment for Personal Protective Equipment", issued November 13, 2007

### Effective Dates

- Rule becomes effective February 13, 2008
- Employers **must implement the PPE payment requirements by May 13, 2008.** (i.e. enforcement begins)

**Basic Premise of Rule:** Employers are required to pay for the **minimum** level of PPE required by the standards

**Employer-Owned PPE:** When employers purchase the PPE, they can retain ownership but still allow the employee to use PPE off-site. OSHA does not object to employers transferring ownership of PPE to employees.

- If the employer retains ownership of the PPE, they can require the employee return the PPE upon termination.
- If the employee leaves without returning the PPE, nothing in the final rule prevents the employer from requiring the employee to pay for it or to take reasonable steps to retrieve the PPE.
- Employers are allowed to use a "deposit" system for PPE to provide an incentive for employees to turn in PPE prior to termination.
- Employers can require short-term and part-time employees to return all PPE at the end of each workday.
- Nothing in the final rule requires employers to keep receipts to prove that they paid for PPE. (Generally, PPE payment practices can easily be determined through employee interviews).

**Employee-Owned PPE:** Employees are allowed to use their own PPE (if their employer allows them to).

- The employer must provide the minimum PPE required. If the employee wishes to use his or her own PPE, the employer may allow that. In this case, the employer does not reimburse them for the PPE.
- Use of employee-owned PPE must be completely voluntary.
- In this case, the employer is still responsible for ensuring the PPE is appropriate, including proper maintenance and sanitation.
- If an employee is hired who already possess PPE, and wishes to use them, the employer does not have to reimburse the new hire for the PPE.
- Employers cannot avoid their obligations under the standard by requiring the employees purchase PPE as a condition of employment or placement.

**Exempt Items:** The following are **specifically exempted** from this rule: (i.e. The employer **does not** have to pay for these items).

- **Non-specialty safety-toed protective footwear** (if allowed to be worn off the job site)
- Any protective footwear that has additional protection or is more specialized, such as shoes with non-slip soles, or steel-toed rubber boots, is subject to the employer payment requirement.
- **Non-specialty prescription safety eyewear** (if allowed to be worn off the job site)
- Also exempt if the employer provides suitable eye protection that fits over the prescription eyewear.
- If an employee is required to wear a full-face respirator or diving helmet, and eyewear inserts are required to ensure adequate protection, the employer must pay for the inserts.
- **Metatarsal protection:** An employer is not required to pay for shoes with integrated metatarsal protection as long as the employer provides and pays for metatarsal guards that attach to the shoes.
- **Logging boots**
- **Everyday clothing:** (jeans, long pants, long-sleeved shirts, coats) OSHA is not requiring employers to pay for everyday clothing even though they may require their employees to use such everyday items such as long pants or long-sleeved shirts.
- **Ordinary clothing,** skin creams or other items used solely for protection from the weather (coats, parkas, gloves, boots). Employees who work outdoor will have weather-related gear to protect themselves from the elements (ordinary cold weather coats, boots, ordinary rain gear). This gear is exempt from the employer payment requirement.
- Clothing used in artificially controlled environments with extreme heat or cold, such as freezers, is not considered part of the weather gear exemption and are paid for by the employer.

- **Other specifically exempt items:**
  - Sunglasses/sunscreen
  - Sturdy work boots
  - Lineman's boots
  - Back belts
  - Dust masks used under the voluntary use provision

**Items specifically NOT exempt** (i.e. employer must pay for)

- **Welding equipment:** The term “tools of the trade” is not used in this final rule. Regardless of past practices where employees have customarily supplied their own PPE, OSHA has determined that this is not an adequate basis to exempt PPE. “Tools of the trade” cannot be clearly defined.
- **Work gloves:** OSHA is requiring employer payment for work gloves when they are used for protection against workplace hazards. When used as PPE-to protect employees from lacerations, burns, chemicals, abrasions-employers must provide them at no cost.
- **Electrical PPE:** OSHA does not require employers to protect employees from electrical arcs through the use of flame-resistant clothing. OSHA simply requires that an employee's clothing do not greater harm. Thus, 1910.269 does not mandate that employers provide any particular type of PPE to their employees and the payment rule would not apply. (This requirement is being considered in a separate rulemaking for 1910.269)

**Replacement:** The employer must pay for the replacement of PPE, unless the employee has lost or intentionally damaged the PPE. (The employer pays for the replacement only if the original PPE was required to be paid for by the employer).

- OSHA wants to be clear that the rule would not require the employer pay for replacement any time the employee requests a replacement. The employer should evaluate the PPE to determine its present condition, adequacy of protection, fit, etc.
- The final rule says all loses of PPE by an employee. This rule does not require employers to bear the cost of replacing PPE that the employee has lost, even if it is a single instance.
- In addition, the PPE may be considered “lost” if the employee comes to work without the PPE that has been issued to him/her.
- OSHA wants to make it clear that the exception applies only if the damage is intentional. Accidental damage of the PPE does not qualify.
- OSHA is very clear on employee payments:
  - You cannot fine an employee \$100 for losing a \$10 pair of gloves.
  - You cannot charge the employee the full cost of a PPE if it was already nearing the end of its service life.

**At No Cost:** The final rule for PPE continually refers to providing PPE to the employee “at no cost”. This phrase is interpreted differently for the PPE standards than form other standards such as the Blood Borne Pathogen standard. Under the Blood borne Pathogen standard, employers cannot require employees to pay first for vaccinations and then be reimbursed. Nor can they be required to obtain vaccinations on their own time.

Under the PPE final rule, the phrase “at no cost” allows employers several options.

- Employer purchase and distribution- Employer buys the PPE and distributes it to the employees.
- Allowances- Employer determines the cost of basic PPE and gives the employee a certain amount of money to purchase the PPE. If the employee chooses to spend more, the employer is not required to reimburse the employee for the difference.
- Vouchers- Employer has an arrangement with a local distributor and the distributor agrees to accept “vouchers” from the employer. If the employee chooses to spend more, the employer is not required to reimburse the employee for the difference.
- Employer reimbursement to employees- Employer determines the cost of basic PPE and reimburses the employee up to that amount. If the employee chooses to spend more, the employer is not required to reimburse the employee for the difference.

**Note:** OSHA does not intend for the rule to cover time and travel expenses an employee might incur while shopping for PPE during non-work hours. OSHA does not believe that requiring employee to shop for PPE on his or her own outside of work would serve as a disincentive to acquiring the PPE. Employers are not required to reimburse employees for time spent shopping for PPE or related travel expenses.

**Self-Employed Independent Contractors:** Truly self-employed independent contractors are not employees under the OSHA Act and are not covered under the OSHA standards (includes unpaid volunteers, members of farm employers, and domestic employees in a residential setting). Employers are not required to pay for PPE for self-employed independent contractors.

**Subcontractors:** General contractors and subcontractors have an obligation to protect employees of other employers. General contractors are not responsible for payment of PPE for the employees of subcontractors at multi-employer worksites.

### **Temporary Help Services**

- If the utilizing (host) employer controls the manner in which the temporary employees work, then the host employer will usually be responsible under the standard for providing the PPE at no cost.
- The temporary help services firm and the host employer are free to agree on how to coordinate the provisions of the PPE rule but the responsible employer can not escape their ultimate responsibility under the Act by requiring another party to perform them.

**Part-time and Short-Term Employees:** This includes construction work. Nothing in the rule exempts employers from paying for required PPE just because they hire employees on a temporary or short-term basis.

- The PPE payment provision applies to all employers, including those with short-term employees, seasonal help, piece workers, hiring hall employees, labor pool employees or transient employees.
- OSHA does not consider employee turnover as a reasonable basis for excluding the

construction industry from the PPE standard.

**Union Contracts:** OSHA recognizes that the compliance deadline (May 13, 2008) is not a long enough window for all existing union contracts to be completed and new ones negotiated. This would take a number of years. However, OSHA has determined that workplaces with collective bargaining agreements should be treated no differently in the final rule than workplaces without collective bargaining agreements. (i.e. ALL employers MUST comply by May 13, 2008).

**PPE Add-Ons:** If the add-on component (such as shoe inserts) is needed for the PPE to fit properly and to adequately protect the wearer, and the employer is required to pay for the PPE in the first place, then the employer must pay for the extra components. However, if the component is not needed for the PPE to provide adequate protection (but is for comfort, aesthetics, etc.) the employer is not required to pay for it.

**Upgrades and Personalized PPE:** An employer may allow an employee to “upgrade” or personalize their PPE beyond what the employer is required to purchase. The employer is not required to pay for these upgrades provided the employer provides adequate “basic” PPE.

**Non-PPE Items:** If a particular item is not a PPE, or is not required by an OSHA standard (i.e. voluntary wear), it is not covered by the final rule.

- Items worn to keep the employees clean for purposes unrelated to safety or health are not considered to be PPE.
- Items worn solely to protect food and other people (hair nets or latex gloves when preparing food, surgical masks worn solely to prevent transmitting organisms to patients) are not covered under the final rule.

**Hand Tools:** Ordinary hand tools are not PPE. Some tools may have specialized protective characteristics (electrically insulated handles). These are considered “engineering” control and not PPE.

## Responsibility

### *Supervisor*

It is the responsibility of the employee's supervisor to perform a hazard evaluation to determine the hazards, which are present in an employee's workspace or are encountered during an employee's normal duties. A hazard evaluation shall be performed whenever there is a significant change in the workplace or in an employee's regular duties. The form needed to perform a hazard evaluation is located in Appendix A of this document. Environmental Health and Safety is available to provide assistance to supervisors upon request.

It is also the supervisor's responsibility to:

- provide site specific training in the proper selection, use, limitations, and care of PPE (with the assistance of EH & S on request),
- ensure that his or her employees have received proper equipment as required by the results of the hazard evaluation,
- ensure that the employees have completed any required medical examinations prior to using PPE,
- ensure that all PPE is in a clean and reliable condition prior to use.

### ***Department or Unit***

It is the responsibility of the employee's unit or department to cover any costs related to the use of PPE. This may include, but is not limited to, the initial purchase of the equipment, fit testing, medical examinations, costs of training and training materials, service and maintenance, and associated supplies. Additionally, departments shall keep all records regarding their compliance with this plan such as employee attendance at training sessions, certification of the completion of any required medical examinations, purchase and replacement dates of PPE, and any other pertinent information. Departments' record keeping may also be audited periodically by EH & S.

### ***Environmental Health and Safety***

It is the responsibility of Environmental Health and Safety (EH & S) to provide assistance, on request, in performing hazard evaluations, reviewing hazard evaluations with the supervisor, and providing assistance in selecting adequate PPE. In addition, EH&S shall assist supervisors in providing any necessary PPE training and may periodically assist departments by reviewing compliance with this document and providing feedback, clarification, and other assistance as needed.

### ***Employee***

Lastly, it is the employee's responsibility to wear PPE as needed in order to perform his or her job safely, to provide daily care of the equipment, to attend training sessions as required, to inspect the equipment for wear or damage, and to report any damaged, old, or malfunctioning PPE to his or her supervisor immediately.

For additional information on responsibilities, refer to *The University of Rochester Human Resources Guide*, policy number 158.

## **Job Hazard Assessments**

It is each department's responsibility to ensure that supervisors complete job hazard assessments (JHA) for their employees. Job hazard assessments can be performed in many different ways,

including the JHA form in appendix A. No matter how the department chooses to perform JHAs, they must be documented and the department must certify in writing that the JHA was performed.

The first step in performing a JHA is to determine the types of hazards that are likely to be found in the workplace. A hazard is simply anything that is likely to cause an injury or an illness. Hazards fall into three general categories; physical hazards, chemical hazards, and biological hazards.

Physical hazards are hazards that cause injury through some mechanical action. Some examples of this could be heat burns, tripping, cutting or puncturing the skin, falling from a height, or being struck by a moving object.

Chemical hazards are those hazards that cause injury or illness through chemical actions or through the properties of the chemical. Chemical hazards can have physical effects, such as being burnt by a fire caused by a flammable chemical, or they can have health effects such as causing chemical burns, or illnesses due to overexposure. Material Safety Data Sheets are an excellent source of information on the hazards of the chemicals that are in your workplace.

Biological hazards are those hazards created by infectious diseases. Examples of biological hazards would be Tuberculosis, HIV, Hepatitis-B, or any other disease that passes from person to person or animal to person through direct or indirect contact, or through laboratory procedures.

Supervisors must document the physical, chemical, and biological hazards that may be present in the workplace, determine if PPE is needed, and communicate this information to his or her employees. Information on potential hazards, good work practices, and PPE can be found, among other places, in the University of Rochester:

- Bloodborne Pathogens Exposure Control Plan
- UCAR research grant reviews
- Tuberculosis Infection Control Plan
- Chemical Hygiene Plan
- Institutional Biosafety Committee
- SOPs for laboratory chemicals

### **PPE for the Hands (29 CFR 1910.138)**

Employee's shall wear appropriate gloves to protect their hands from chemicals which may be absorbed through or damage the skin, objects which may cut or puncture the skin, biological agents, human or animal tissues, radioactive materials, or any other hazard which may cause illness, injury, or impairment. Protective lotions or creams are not adequate substitutes for gloves. Gloves shall be chosen according to the type of work done, for example, gloves for chemical work shall be chosen for resistance to the specific solvents or other compounds being used and for adequate break through time, gloves used for trash pickup shall be cut and puncture resistant. See the University's *Chemical Hygiene Program* and *Blood Borne Pathogens Exposure Control Plan* for more information.

### **PPE for the Feet (29 CFR 1910.136)**

Employees shall wear appropriate shoes or boots when working in areas where heavy objects may fall onto the feet, or where there are objects, which may penetrate the shoe and cut or puncture the feet. Protective footwear shall comply with ANSI Standard Z41-1991, "American National Standard for Personal Protection- Protective Footwear."

### **PPE for the Head (29 CFR 1910.135)**

Employees shall wear appropriate protective helmets when working in areas where falling or moving objects may strike the head. Protective helmets shall comply with ANSI Standard Z89.1-1986, "American National Standard for Personnel Protection- Protective Headwear for Industrial Workers- Requirements." In addition, those employees working near exposed electrical conductors, which could come into contact with the head, shall wear protective headwear designed to reduce any electrical shock hazards.

### **PPE for the Respiratory System (29 CFR 1910.134)**

Employees shall use appropriate respiratory protective equipment (i.e., air purifying respirators, powered air purifying respirators, or self-contained breathing apparatus) when required due to inhalation hazards associated with their job or workplace.

See the University's *Respiratory Protection Program* or Strong Memorial Hospital's Tuberculosis Control Program for the procedures and requirements for obtaining and using respiratory protective equipment.

### **PPE for the Face and Eyes (29 CFR 1910.133)**

Employees shall wear appropriate protective safety glasses, goggles, or face shields when working in areas where LASER, ultraviolet, or other intense illumination is present, where flying debris may strike the eyes, where there may be splashing of biologic agents including blood and other body fluids, or where there may be chemical splashes, mists, gases or vapors which may cause illness, injury, or impairment. Glasses, goggles, or face shields shall comply with ANSI Z87.1-1989, "American National Standard Practice for Occupational and Educational Eye and Face Protection." Additionally, safety glasses, goggles, and face shields shall provide protection from flying debris entering from the side of the protective equipment and shall accommodate prescription lenses, either by fitting over prescription lenses, or by incorporating them into its design. Prescription eyeglasses alone normally

do not meet the requirements of this section. Prescription glasses that do not meet ANSI Z87.1-1989 are not acceptable for use as safety glasses. Employees should discuss prescription safety glasses with their eye-care provider to ensure that they meet all relevant standards. Departments are not responsible for the cost of purchasing or providing prescription safety glasses.<sup>2</sup> See the University's *Chemical Hygiene Plan* and *Blood Borne Pathogens Exposure Control Plan* for more information.

## PPE for Noisy Environments

Employees shall use appropriate hearing protective equipment when required due to noise hazards associated with their job or workplace.

See the University's *Hearing Conservation Program* for the procedures and requirements for obtaining and using hearing protective equipment.

## PPE for Electrical Work (**29 CFR 1910.137**)

Refer to the University's Electrical Safety Program available on the web at <http://www.safety.rochester.edu/pdf/electricalsafetyprogram.pdf>

## PPE Not Described Elsewhere in this Document

PPE not specifically mentioned elsewhere in this document, the general requirements section covers. Other sources of information on personal protective equipment include OSHA regulations, NIOSH recommendations, and the staff of Environmental Health and Safety.

## References

1. Standard Interpretation Letters, Memo to Jane Brown from Ed Baier, August 21, 1986
2. Standard interpretation Letters, Memo to Regional Administrators and Heads of Directorates from James W. Stanley, Deputy Assistant Secretary, October 18, 1994

## APPENDIX A Job Hazard Assessment Form

It is each department's responsibility to ensure that supervisors complete job hazard assessments (JHA) for their employees. Job hazard assessments can be completed by accessing the EH&S website at [www.safety.rochester.edu](http://www.safety.rochester.edu) under Job Hazard Assessment or the Task Analysis Form which is one of the forms listed in the Employment Users Guide on the University's web site [http://www.rochester.edu/working/hr/employment/task\\_analysis.doc](http://www.rochester.edu/working/hr/employment/task_analysis.doc).