



## Safety & Health Bulletin (November 15, 2007)

To: MCAA/MSCA/PCA Members  
From: Pete Chaney  
Subject: OSHA Regulation on Employer Payment for Personal Protective Equipment

- On November 15, 2007, the Occupational Safety and Health Administration (OSHA) published a final rule on Employer Payment for Personal Protective Equipment (PPE).
- OSHA believes the rule will improve safety for three main reasons:
  - Many workers wouldn't purchase PPE if they had to pay for it on their own;
  - Employers are more likely to ensure that PPE is right for the task or job; and
  - The rule will encourage workers to participate in the safety and health programs and improve the safety culture.
- MCAA is pleased with the final rule. In comments sent to the U.S. Department of Labor Docket office in August, 2004, MCAA stated that employers should pay for standard PPE such as hardhats, safety glasses, ear plugs, respirators, personal fall arrest systems, etc., but that employers should not be required to pay for specialized types of PPE commonly referred to as tools of the trade unless they agree to do so in collective bargaining agreements or other labor agreements. A summary of the new rule is attached.

### Key Dates to Remember:

- The final rule becomes effective on February 13, 2008.
- Construction and service employers must be in compliance by May 15, 2008.

# MCAA's Summary of OSHA's Rule on Employer Payment for Personal Protective Equipment

*This document is only a summary of the final rule. Before beginning compliance initiatives, please read the rule in its entirety. For a copy of the rule, go to [www.osha.gov](http://www.osha.gov).*

## **Mechanical Construction & Service Compliance Requirements & Exceptions:**

- Payment for PPE shall be provided by the employer at no cost to employees unless the PPE is specifically excepted in the rule.
- Employers are not required to pay for non-specialty safety toe protective footwear.
- Employers are not required to pay for non-specialty prescription safety eyewear.
- Where employers provide workers with metatarsal guards and allow employees at their request to use safety toe protective footwear (shoes or boots) in-lieu-of metatarsal guards, the employers are not required to reimburse the workers for the shoes or boots.
- Employers are not required to pay for everyday clothing, such as long-sleeve shirts, long pants, and normal work shoes or boots.
- Employers are not required to pay for ordinary clothing for protection from weather such as coats, jackets, gloves, parkas, rubber boots, hats, raincoats, and ordinary sunglasses.
- Employers are required to pay for replacement PPE, unless the equipment has been lost or intentionally damaged by the employee.
- Where employees provide their own appropriate PPE, employers may allow them to use it, but are not required to reimburse them for it.