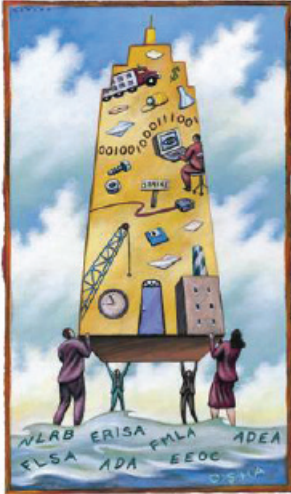


EMPLOYMENT BULLETIN

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OSHA Arms Its Inspectors to Enforce Personal Protective Equipment Standards

On February 10, 2011, the Occupational Safety and Health Administration (OSHA) issued a directive that provides enforcement personnel with instructions for determining whether employers have complied with the agency's personal protective equipment (PPE) standards. This directive takes into consideration recently revised PPE rules, and therefore supersedes the PPE Inspection Guidelines issued in June 1995.

On May 15, 2008, OSHA revised its standards on PPE regarding employer payment for required PPE. Some examples of requirements covered under those standards include: respirators, rubber boots with steel toes, nonprescription eye protection, hearing protection, personal fall protection devices, etc. In addition, employers are required to pay for replacement equipment that is damaged. However they are not required to pay for equipment upgrades requested by an employee that go beyond the minimum OSHA standards or lost equipment. Further, OSHA inspectors may not cite an employer for both failing to pay for equipment and failing to provide equipment.

Exceptions to this general "employer pays" rule include, but are not limited to, non-specialty safety-toe protective footwear, non-specialty prescription safety eyewear, metatarsal shoes, logging boots, ordinary clothing, replacement PPE when the employee has lost or intentionally damages the PPE, employee-owned PPE, and upgraded and personalized PPE.

On September 9, 2009, OSHA revised its standards regarding eye, face, head and foot protection. OSHA inspectors are required to follow inspection guidelines to verify that employers comply with the latest updates to the agency's regulations.

These inspection guidelines require that an employer: provide PPE that is necessary to protect employees from hazards; ensure that employee-owned equipment is adequate, properly maintained and sanitary; ensure that the PPE used is safe in design and construction; conduct a hazard assessment and select protective equipment accordingly; prohibit the use of defective or damaged protective equipment; provide PPE training to employees; provide most PPE required by OSHA standards at no cost to employees; eye and face protection; respiratory protection; head protection; foot protection; electrical protective equipment and hand protection.

Employers should be aware of the inspection guidelines regarding PPE. Accordingly, employers should make sure to provide PPE training to employees and to provide eye and face protection. Employers should consult with employment and/or health and safety counsel to ensure compliance with the inspection guidelines.

Babst, Calland, Clements and Zomnir, P.C.'s Employment and Labor Services and Environmental Health and Safety Groups will continue to keep employers apprised of further developments related to this and other issues. If you have any questions or need assistance in addressing the above-mentioned area of concern, please contact John McCreary at (412) 394-6695 or jmccreary@bccz.com.

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