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## **ACCESSING SAFETY KNOWLEDGE (ASK) SHEET: EMPLOYER PAYMENT FOR PERSONAL PROTECTIVE EQUIPMENT FINAL RULE <sup>1</sup>**

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The OSHA construction standards address PPE of many kinds: hard hats, gloves, goggles, safety shoes, safety glasses, face shields, fall protection equipment, just to name a few. The provisions in OSHA standards that require PPE generally state that the employer is to provide such PPE. However, some of these provisions do not specify that the employer is to provide such PPE at no cost to the employee. In this Final Rule, which became effective on February 13, 2008 and must be implemented by May 15, 2008, OSHA is requiring employers to pay for the PPE provided, with exceptions for specific items.

The Final Rule does not set forth new requirements regarding the PPE that must be provided and the circumstances in which it must be provided. The Final Rule merely requires employers to pay for the PPE that is used to comply with the Parts amended. The Final Rule generally requires employers to pay for PPE, and sets forth the specific exceptions where employers are not required to pay for such equipment. The Final Rule includes the exceptions that were in the proposed rule, which have been clarified and simplified; clarifications of OSHA's intent in the proposed rule regarding everyday clothing and weather-related clothing; and clarifications regarding employee owned PPE and replacement PPE that were raised by various commenter's.

	EMPLOYER PAYS	EMPLOYEE PAYS	EXCEPTIONS
Minimum Level Protection Equipment, PPE that is used to comply with the amended OSHA standards.	Yes	No	Employer pays for minimum and when upgrading level, and when employee is using different PPE with consent and employer upgrades.
Non-Specialty Safety-toe protective footwear and non-specialty prescription safety eyewear	No	Yes	Employer must allow the employee to wear these items off the job-site.
Shoes with integrated Metatarsal Protection	No	Yes	Employer pays only for Metatarsal Guards that attach to the shoes.
Logging Boots	Maybe	Maybe	Payments open to employer and employee negotiations.
Everyday clothing or ordinary clothing used solely for protection from weather; i.e. long-sleeve shirts, work boots, winter clothing, jackets.	No	Yes	Employer does pay when extraordinary clothing is needed for severe weather or artificially controlled environments with Hot or cold temperatures such as freezers.
Replacement PPE used to comply with OSHA Standards.	Yes	No	Employer may require the employee to pay for replacement, if they have lost or intentionally damaged the PPE issued to them.
Employee may wish to use PPE they own.	No	Yes	The Employee's use of PPE they own must be completely voluntary.

<sup>1</sup>The information on this page is taken from the Employer Payment for Personal Protective Equipment; Final Rule – 72:64341-64430, Publication Date: 11/15/2007 which references 29 CFR 1910, 1915, 1917, 1918, and 1926. All information submitted here should be verified by a legal professional.

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