

OSHAOccupational Safety & Health Administration
U.S. Department of Labor

OSHA Standards Interpretation and Compliance Letters
Employer Obligation to Pay for Personal Protective Equipment.

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- **Record Type:** Interpretation
- **Standard Number:** 1910.132;1910.138
- **Subject:** Employer Obligation to Pay for Personal Protective Equipment.
- **Information Date:** 10/18/1994

October 18, 1994

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

HEADS OF DIRECTORATES

FROM: JAMES W. STANLEY DEPUTY ASSISTANT SECRETARY

SUBJECT: Employer Obligation to Pay for Personal Protective Equipment

It is important that a uniform approach be taken by all OSHA offices with respect to the question of employer responsibility for payment of the cost of personal protective equipment (PPE). Under certain circumstances, employers may be obliged to pay for personal protective equipment, as they would pay for other engineering and administrative controls. Please advise your staff to apply the following guidance when dealing with this issue.

The personal protective equipment standards at 29 CFR 1910.132 through .138 establish the employer's obligation to **provide** personal protective equipment to employees.

"Protective equipment, including personal protective equipment for eyes, face, head and extremities, protective clothing, respiratory devices and protective shields and barriers, shall be provided, used and maintained in a sanitary and reliable condition wherever it is necessary by reasons of hazards of processes or environment, chemical hazards, radiological hazards or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact." (29 CFR 1910.132(a))

In order to accommodate work situations in which it is customary, as an exception, for workers in a particular trade to provide their own PPE, the standard acknowledges that employees may provide their own equipment, but does not specify that practice as the norm; instead, the standard underscores the employer's obligation to assure that such equipment is adequate and that it is properly maintained.

The "worker-provided" clause on the PPE standard (1910.132(b)), now also codified for the construction industry at 1926.95(b), has raised questions as to when employers are required

or PPE. This memorandum is intended to clarify the situation.

OSHA has interpreted its general PPE standard, as well as specific standards, to require employers to provide and to pay for personal protective equipment required by the company for the worker to do his or her job safely and in compliance with OSHA standards. Where equipment is very personal in nature and is usable by workers off the job, the matter of payment may be left to labor-management negotiations. Examples of PPE that would not normally be used away from the worksite include, but are not limited to: welding gloves, wire mesh gloves, respirators, hard hats, specialty glasses and goggles (e.g., designed for laser or ultraviolet radiation protection), specialty foot protection (such as metatarsal shoes and linemen's shoes with built in gaffs), face shields and rubber gloves, blankets, cover-ups and hot sticks and other live-line tools used by power generation workers. Examples of PPE that is personal in nature and often used away from the worksite include non-specialty safety glasses, safety shoes, and cold-weather outer wear of the type worn by construction workers. However, shoes or outerwear subject to contamination by carcinogens or other toxic or hazardous substances which cannot be safely worn off-site must be paid for by the employer. Failure of the employer to pay for PPE that is not personal and not used away from the job is a violation and shall be cited.

Compliance officers shall be informed of this policy and advised to evaluate carefully assertions by employers that particular items of personal protective equipment should be paid for by employees.

Please provide a copy of this memorandum to State designees.

Questions on this policy may be directed to Russelle R. McCollough in the Office of General Industry Compliance Assistance at 202-219-8041 ext. 105.