OSHA Issues Per-Employee Fines for PPE Violations



In 2007, OSHA issued <u>Employer Payment for Personal Protective Equipment: Final Rule</u>, which addressed employer payment for personal protective equipment (PPE). With a few exceptions, the rule required that most PPE be provided at no cost to the employee.

The rule did not specify the method that employers must use to pay for PPE. Many employers used allowances or reimbursement systems or maintained a stock of PPE that

could be issued to employees. These methods were acceptable as long as the employee received the PPE at no cost. **Under the rule, employers were required to pay for most PPE costs.**

OSHA believes that when **employees** pay for their own PPE, they:

- Are more likely to purchase the wrong equipment,
- May use the PPE beyond its expected service life or
- May avoid purchasing the equipment at all.

When **employers** pay for PPE, however, they are more likely to:

- Select the right PPE for the hazards present in their workplaces,
- Make sure the equipment is maintained and replaced as necessary; and
- Generally take more responsibility for PPE selection and use.

In December 2008, OSHA published a new rule, <u>Clarification of Employers' Duty to Provide PPE and Train Each Employee</u>, which significantly increased the monetary penalties for certain PPE and hazards training violations. Each violation of the PPE requirement results in a per-employee penalty.

OSHA utilizes <u>Handling of Cases To Be Proposed for Violation-By-Violation Penalties</u>, a document which states cases under consideration for per-employee fines must be classified as willful and meet at least one of these requirements:

- Violation resulted in worker fatalities, a worksite catastrophe or a large number of injuries or illnesses
- Violations resulted in persistently high rates of worker injuries or illnesses
- Employer has an extensive history of prior OSHA violations
- Employer has intentionally disregarded its OSHA responsibilities
- Employer's conduct taken as a whole amounts to clear bad faith in the performance of its OSHA duties, or
- Employer has committed a large number of violations that significantly undermine the effectiveness of any OSHA safety or health program that might be in place.

References:

http://www.safety.com/articles/osha-says-employers-must-pay-tab-ppe

http://www.safetynewsalert.com/now-osha-can-issue-fines-for-each-worker-without-ppe/