

PATERSON PUBLIC SCHOOL

OFFICE OF ENVIRONMENTAL, OCCUPATIONAL,  
HEALTH AND SAFETY

HAZARD ASSESSMENT FOR PERSONAL  
PROTECTIVE EQUIPMENT

As Required By

Title 29 CODE OF FEDERAL REGULAION

PART 1910.132-139

And the

PEOSH ACT N.J.S.A. 34:6A-25

NOVEMBER 13, 2008

## PATERSON PUBLIC SCHOOL OFFICE OF ENVIRONMENTAL, OCCUPATIONAL HEALTH AND SAFETY

### I. Policy and Administration:

This notice is to inform you that Paterson Public Schools complies with and is quoted as written in the Code of Federal Regulations, namely OSHA.

Public Law 91-596  
84 STAT. 1590  
91st Congress, S.2193  
December 29, 1970,  
as amended through January 1, 2004.

### **An Act**

To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That this Act may be cited as the "Occupational Safety and Health Act of 1970."***

In addition to the Federal Requirements, the Paterson Public Schools complies with the PEOSH Act under the New Jersey Administrative Code which is the Public Employee Occupational Safety and Health Program (PEOSH), by authority established under the PEOSH Act of 1995 (N.J.S.A 34:6A-25 et seq., enacted in 1984 and amended on July 25, 1995) is responsible for promoting the health and safety for State and Local government employees. The New Jersey Plan received initial plan approval on January 11, 2001. that is administered by two departments, they are the New Jersey Department of Labor and Workforce Development (NJDLWD) that investigates complaints regarding **safety hazards** in the workplace. In addition, NJDLWD is responsible for administering and enforcing the Act throughout the State. The New Jersey Department of Health and Senior Services (NJDHSS) investigates complaints regarding **health hazards** in the workplace.

This written program applies to all work operations in and around our schools where employees are exposed or may be exposed to hazards in the workplace under normal working operations or during foreseeable emergency situations.

The Environmental, Occupational Health and Safety Officer or designee, located at 404 Grand Street, Paterson, NJ is the program coordinator. He/she has the overall responsibility for the Personal Protective Equipment Program, 29 CFR 1910.132-139, and arranging for its annual

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review and update. Directors, Supervisors and/or designees will aid the program coordinator in the implementation of the Personal Protective Equipment Program.

### II. Application 1910.132 (a- c)

- A. Paterson Public Schools shall provide 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 reason 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.
- B. Employee-owned equipment. Where employees provide their own protective equipment, the Paterson Public Schools shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.
- C. Design. All personal protective equipment shall be of safe design and construction for the work to be performed. Other standards to be used are American National Standards Institute (ANSI), National Fire Protection Agency (NFPA), Department of Transportation (DOT) and American Society for Testing and Materials (ASTM).

### III. Hazard Assessment 1910.132(d)(1-2)

A. Hazard assessment and equipment selection will be completed and reviewed annually by the program coordinator or designee. The assessment will be completed using job descriptions and interviews with employees. This information follows in Appendix A. Any new task or job will be assessed and added to Appendix A.

B. Paterson Public Schools shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, Paterson Public Schools shall:

1. Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment.
2. Communicate selection decisions to each affected employee.
3. Select PPE that properly fits each affected employee.

C. Paterson Public Schools shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person

certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment, Appendix B.

IV. Defective and damaged equipment, 1910.132(e)

A. Defective or damaged personal protective equipment shall not be used.

V. Training, 1910.132(f)(1-4)(g)

A. Paterson Public Schools shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following:

1. When PPE is necessary
2. What PPE is necessary
3. How to properly don, doff, adjust, and wear PPE;
4. The limitations of the PPE; and,
5. The proper care, maintenance, useful life and disposal of the PPE.
6. Each affected employee shall demonstrate an understanding of the training and the ability to use PPE properly, before being allowed to perform work requiring the use of PPE.
7. When the Paterson Public Schools has reason to believe that any affected employee who has already been trained does not have the understanding and skill required, the employer shall retrain each such employee. Circumstances where retraining is required include, but are not limited to, situations where:
  - a. Changes in the workplace render previous training obsolete; or
  - b. Changes in the types of PPE to be used render previous training obsolete; or
  - c. Inadequacies in an affected employee's knowledge or use of assigned PPE indicate that the employee has not retained the requisite understanding or skill.
8. Paterson Public Schools shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of training, and that identifies the subject of the certification.
9. Sections III and V apply only to 1910.133, 1910.135, 1910.136, and 1910.138. Sections III and V do not apply to 1910.134 and 1910.137.

VI. Payment for protective equipment, 1910.132(h)(1-7)

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A. Except as provided by section B the protective equipment, including personal protective equipment (PPE), used to comply with this part, shall be provided by Paterson Public Schools at no cost to employees.

B. Paterson Public Schools is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that Paterson Public Schools permits such items to be worn off the job-site.

C. When Paterson Public Schools provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.

D. The employer is not required to pay for:

1. The logging boots required by 29 CFR 1910.266(d)(1)(v)
2. Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots.
3. Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

E. Paterson Public Schools must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

F. Where an employee provides adequate protective equipment he or she owns pursuant to paragraph (b) of this section, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer shall not require an employee to provide or pay for his or her own PPE, unless the PPE is excepted by paragraphs (h)(2) through (h)(5) of 29 CFR 1910.132.

G. This shall become effective on February 13, 2008. Paterson Public Schools must implement the PPE payment requirements no later than May 15, 2008.

VII. Interpretation of the Purchase of Personal Protective Equipment as per G above.

A. Covered PPE

Paterson Public Schools must pay for PPE wherever an OSHA rule explicitly requires that employers must provide and pay for the PPE, such as for respiratory and noise protection.

Paterson Public Schools must pay for the following types of PPE when used by its employees

exclusively in the workplace (i.e., not for personal use at home or other nonworkplace activities).

- Electrical protection
  - Electrically insulated tools
  - Rubber insulating gloves
- Chemical protection
  - Chemical resistant gloves/aprons/clothing
  - Encapsulating chemical protective suits
- Foot protection
  - Metatarsal foot protection
  - Rubber boots with steel toes
  - Shoe covers-toe caps and metatarsal guards
- Eye and face protection
  - Nonprescription eye protection
  - Prescription eyewear inserts/lenses for full-face respirators
  - Prescription eyewear inserts/lenses for welding and diving helmets
  - Goggles
  - Face shields
  - Laser safety goggles
- Head protection
  - Bump caps
  - Hard hats
- Hearing protection
- Hand/arm/body protection
  - Rubber sleeves
  - Aluminized gloves
  - Mesh cutproof gloves, mesh or leather aprons
  - Nonspecialty gloves (payment is required for PPE to protect from dermatitis, severe cuts/abrasions; payment is not required if they are only for keeping clean or for cold weather with no site-specific hazard consideration)
  - Reflective work vests
- Respiratory protection
- Skin protection
  - Barrier creams (unless used solely for weather-related protection)
- Fall protection
  - Ladder safety device belts
  - Climbing ensembles used by linemen (e.g., belts and climbing hooks)
  - Window cleaner's safety straps
- Welding PPE
  - Face shields and goggles
  - Fire-resistant shirts, jackets, and sleeves
  - Leather gloves

## B. Exempt PPE

Paterson Public Schools is not required to pay for the following clothes or items that are not worn by its employees exclusively for protection from hazards:

--Nonspecialty safety-toe protective footwear, *provided that the employer permits such items to be worn off the jobsite*

--Steel-toe shoes

--Steel-toe boots

--Nonspecialty prescription safety eyewear, *provided that the employer permits such items to be worn off the jobsite*

--Shoes or boots with built-in metatarsal protection that the employee chooses instead of metatarsal guards provided by the employer

--Everyday clothing

--Long-sleeved shirts

--Long pants

--Street shoes

--Normal work boots

C.PPE Replacement rule also mandates that Paterson Public Schools pay to replace PPE on a regular basis. This duty is considered part of PPS obligation to ensure that PPE is in good condition. The only exception to the PPE replacement rule is when an employee has lost or intentionally damaged the PPE.

A worker's request for more expensive PPE to replace ill-fitting PPE or substitute for PPE made of material that causes an allergic reaction in the worker should be judged on safety and health grounds, not on an aesthetic basis. To the extent that an employee's preference is consistent with these OSHA requirements, OSHA believes PPS should accommodate any added cost.

The new rule does not require PPS to provide and pay for replacement PPE whenever requested by an employee. OSHA recommends that PPS establish a policy concerning what will constitute normal wear and tear (expected service life), a "lost" PPE item, how to safeguard against PPE abuse and negligence, and for allowing (or disallowing) employees to use PPE for personal activities that are not work related.

#### D.Employee-Supplied PPE

When an employee voluntarily purchases and wears his or her own PPE and is allowed to use it at the workplace, PPS is not required to reimburse the employee for that equipment. For example, newly hired workers sometimes report to the workplace with PPE that they own, especially in workplaces that use short-term labor. In such cases, the employer is not required to reimburse the employee for using his or her own PPE.

#### E.Monitoring Compliance

The final rule does not require PPS to maintain receipts or any other form of paperwork involving

PPE payment. In most instances, an OSHA inspector will interview employers and employees to determine if PPS is complying with the PPE payment rule. Every job in the workplace must be evaluated. PPS must certify in writing that the PPE hazard assessment has been performed.

In addition, all employees required to wear PPE must be trained when and how to use it and demonstrate its use before performing work requiring the use of PPE. Employees are prohibited from performing work requiring PPE until they demonstrate "an understanding" of what was learned "and the ability to use PPE properly." Written certification must name each employee who meets those criteria. If employees don't meet these criteria-or if changes in operations or PPE make the previous training out of date—PPS must provide retraining.