

DATES: This final rule becomes effective on February 13, 2008. The final rule must be implemented by May 15, 2008.

PART 1910--[AMENDED]

1. The authority citation for subpart I of 29 CFR part 1910 is revised to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017), 5-2002 (67 FR 65008), or 5-2007 (72 FR 31160), as applicable, and 29 CFR Part 1911.

2. A new paragraph (h) is added to Sec. 1910.132, to read as follows:

Sec. 1910.132 General requirements.

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(h) Payment for protective equipment.

(1) Except as provided by paragraphs (h)(2) through (h)(6) of this section, the protective equipment, including personal protective equipment (PPE), used to comply with this part, shall be provided by the employer at no cost to employees.

(2) The employer 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 the employer permits such items to be worn off the job-site.

(3) When the employer 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.

(4) The employer is not required to pay for:

(i) The logging boots required by 29 CFR 1910.266(d)(1)(v);

(ii) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(iii) 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.

(5) The employer must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(6) 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 this section.

(7) This paragraph (h) shall become effective on February 13, 2008. Employers must implement the PPE payment requirements no later than May 15, 2008.

Note to Sec. 1910.132(h): When the provisions of another OSHA standard specify whether or not the employer must pay for specific equipment, the payment provisions of that standard shall prevail.

1910.28.....	Safety requirements for scaffolds.
1910.66.....	Powered platforms for building maintenance.
1910.67.....	Vehicle-mounted elevating and rotating work platforms.
1910.94.....	Ventilation.
1910.95.....	Occupational noise exposure.
1910.119.....	Process safety management of highly hazardous chemicals.
1910.120.....	Hazardous waste operations and emergency response.
1910.132.....	General requirements (personal protective equipment).
1910.133.....	Eye and face protection.
1910.134.....	Respiratory protection.
1910.135.....	Occupational Head protection.
1910.136.....	Occupational foot protection.
1910.137.....	Electrical protective equipment.
1910.138.....	Hand protection.
1910.146.....	Permit-required confined spaces.
1910.156.....	Fire brigades.
1910.157.....	Portable fire extinguishers.
1910.160.....	Fixed extinguishing systems, general.
1910.183.....	Helicopters.
1910.218.....	Forging machines.
1910.242.....	Hand and portable powered tools and equipment, general.
1910.243.....	Guarding of portable power tools.
1910.252.....	General requirements (welding, cutting and brazing).
1910.261.....	Pulp, paper, and paperboard mills.
1910.262.....	Textiles.
1910.265.....	Sawmills.
1910.266.....	Logging operations.
1910.268.....	Telecommunications.
1910.269.....	Electric power generation, transmission and distribution.
1910.272.....	Grain handling facilities.
1910.333.....	Selection and use of work practices.
1910.335.....	Safeguards for personnel protection.
1910.1000.....	Air contaminants.
1910.1001.....	Asbestos.
1910.1003.....	13 carcinogens, etc.
1910.1017.....	Vinyl chloride.
1910.1018.....	Inorganic Arsenic.
1910.1025.....	Lead.
1910.1026.....	Chromium (VI).
1910.1027.....	Cadmium.
1910.1028.....	Benzene.
1910.1029.....	Coke oven emissions.
1910.1030.....	Bloodborne pathogens.
1910.1043.....	Cotton dust.
1910.1044.....	1,2-dibromo-3-chloropropane.
1910.1045.....	Acrylonitrile.
1910.1047.....	Ethylene oxide.
1910.1048.....	Formaldehyde.
1910.1050.....	Methylenedianiline.
1910.1051.....	1,3-Butadiene.
1910.1052.....	Methylene chloride.
1910.1096.....	Ionizing radiation.
1910.1450.....	Occupational exposure to chemicals in laboratories.