

**STANDARDS PRESENTATION
TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Attachment No. 1

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PROPOSED STATE STANDARD,
TITLE 8, DIVISION 1, CHAPTER 4

Amend Article 10 to add a new Section 3380.1 to read:

§ 3380.1. Employer Duty to Pay for Personal Safety Devices and Safeguards.

(a) Whenever any safety order in Division 1 of Title 8 requires the provision, furnishing, use or wearing of any personal safety device and/or safeguard, it shall mean that the personal safety device and/or safeguard shall be provided by the employer at no cost to the employee. Such safety devices and safeguards that shall be provided by the employer at no cost to the employee shall be referred to hereinafter in this section 3380.1 as “required PPE,” “PPE” meaning “personal protective equipment.”

(b) For the purpose of this section 3380.1, required PPE does not include non-specialty safety toe-protective footwear (including steel-toe shoes or steel toe boots) and non-specialty prescription safety eyewear that the employee wears off the job-site for activities that are not work-related. Commuting to and from work is considered a work-related activity.

(c) For the purpose of this section 3380.1, required PPE does not include everyday clothing such as long-sleeve shirts, long pants, street shoes, normal work boots, ordinary clothing or cosmetic skin creams, or items used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

EXCEPTION: If any safety order in Division 1 of Title 8 requires the provision, furnishing, use or wearing of any safety device and/or safeguard, including, but not limited to, any item listed in subsection (c), in order to protect employees working outdoors from inclement weather, those safety devices and safeguards are required PPE for the purpose of this section 3380.1.

(d) If required PPE has been provided at no cost to the employee, and the employee has lost or intentionally damaged or lost the required PPE, the employer will have discharged its duty to provide the required PPE at no cost to the employee, and the employer will not have to pay for any replacement PPE for the employee responsible for the damage or loss.

(e) Employers do not have to pay for required PPE if an employee provides approved PPE that meets the requirements of Section 3380(d) which the employee owns, so long as the employee’s decision to do so is completely voluntary.

Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.