

**Testimony of Daniel K. Shipp, President  
ISEA – The Safety Equipment Association  
before the Occupational Safety and Health Administration  
Proposed Rule: Employer Payment for Personal Protective Equipment  
Docket S-042  
August 13, 1999**

My name is Dan Shipp. I am president of ISEA – The Safety Equipment Association, the national trade association of manufacturers of all safety and personal protective equipment applicable to the proposed rule except for safety footwear. ISEA appreciates the opportunity to comment on OSHA's proposed rule requiring employers to pay for personal protective equipment. The complete text of our comments was submitted to the rulemaking docket.

ISEA believes that employers should pay for the personal protective equipment their workers wear and carry.

By its very nature, PPE is the first line of defense for millions of people who work in the presence of hazards which can cause illness, injury and death. A systematic PPE program, driven by management through the organization, is an important factor in creating a positive safety culture. Employers who provide *and pay for* PPE recognize that they are not simply incurring a cost for equipment, but rather making an investment by valuing their employees and avoiding the high direct and indirect costs of injury, illness and death.

When employers pay for PPE, ISEA believes that workplaces are safer for several reasons:

**When the employer makes PPE buying decisions, the likelihood increases that the right PPE will be used.**

Selecting the proper protective equipment demands professional skill, including knowledge of the hazard and the capabilities and limitations of the equipment. It's not as simple as buying any pair of safety glasses, or any respirator. It's natural that employees who have to purchase their own equipment are going to use lowest price as their main selection criterion, and may wind up with less than optimum protection as a result.

**Second, the PPE is more likely to be available and in good condition.**

Employers are more likely to replace PPE when it is worn or damaged than are employees who might try to save money by using equipment beyond its useful life. Additionally, maintenance and repair of equipment is easier and more likely to be done properly if there is uniformity of equipment at a workplace.

**Third, employees are more likely to be properly trained in using the PPE at the worksite.**

ISEA believes that training employees on the use, and the proper care, maintenance, useful life, limitations and disposal of PPE is simpler and more effective if there is equipment uniformity at a worksite. Employers can help assure this uniformity by supplying the PPE.

**Specific Issues**

ISEA would like to briefly comment on some of the twelve issues raised by OSHA in the proposed rule:

[Issue 2 – page 15416 of the preamble]

**ISEA urges OSHA to reconsider its proposed exception for prescription safety eyewear.**

One of the daily challenges facing safety professionals is overcoming the common, but faulty assumption that streetwear prescription eyeglasses protect the wearer from eye injury. Workers who need prescription glasses, and require eye protection on the job, should wear prescription safety glasses appropriate to the job.

OSHA suggests in the proposed rule that “regular prescription glasses can be worn underneath goggles and other protective eyewear that has been designed to accommodate them.” In practice, this is not a solution. Comfort and ease of use are significant motivators of PPE use. Expecting workers to wear protective goggles or "over-the-glasses planos" over regular prescription eyewear for any length of time discriminates against workers with less than perfect vision, when they could be protected by wearing prescription safety glasses. This dual layer is also a less perfect optical solution than prescription safety glasses.

The difficulty is compounded when a worker has to wear a face shield, and winds up with three layers – prescription glasses, plano safety glasses which are required for impact protection, and the face shield.

There are other reasons why ISEA believes that employers should pay for prescription safety eyewear:

- An employee who is required to purchase prescription safety eyewear at a retail location will probably pay considerably more than one who buys through the employer’s wholesale channel.
- It may be harder for the company to determine compliance of lens, frame and sideshield with ANSI or other appropriate standards if the glasses are purchased from sources outside the company.
- Sideshields are an essential part of the protection offered by safety glasses. It is not clear that all opticians, optometrists and other optical dispensers are familiar enough with safety eyewear to ensure properly fitted sideshields.

- Safety glasses with permanent sideshields would have limited benefit to the employee outside of the workplace. Most people would not wear glasses with permanent sideshields for personal use, except when safety is a concern.
- OSHA justifies its exception for prescription safety eyewear by pointing out that these safety glasses can be used outside the workplace. From ISEA's viewpoint, however, responsible employers want their employees to use their safety glasses at home when appropriate. An employee who is injured at home or elsewhere is just as disabled as one who is injured at the workplace.

Protecting workers who have visual impairments is simply a cost of doing business in order for those workers to use their skills in the job for which they were hired. With proper prescription eyewear, more workers will be protected, and the additional nominal costs to employers for providing this protective equipment will be recovered many times over by cost savings from injuries prevented.

The exception for employer payment of prescription safety glasses discriminates against older workers and those who have less than perfect vision, and should be removed from the proposed regulation.

[Issue 7 – page 15416 of the preamble]

**If employees prefer more costly PPE than the employer provides, they should pay the difference.**

PPE must be selected to protect against hazards identified in the workplace, and properly fitted to the employee. It is the employer's responsibility to provide PPE that meets these criteria. If an employee wants to wear more costly PPE than the employer provides because of additional features, style preference, etc., then it would be fair for the employee to pay the difference. The bottom line is that the employer must ensure that the worker has adequate protection to work safely and effectively.

[Issue 8 – page 15416 of the preamble]

**ISEA believes that full-facepiece respirator prescription inserts are not different from or more special than prescription safety eyewear.**

Both should be supplied and paid for by the employer. Some prorated share of the cost could be borne by the employee if the employee does not stay on the job for some predetermined period of time. A full-facepiece respirator insert costs roughly \$50 - \$100, depending on the prescription, the material, and the fitting-delivery system used.

[Issue 10 – page 15416 of the preamble]

**If uniquely personalized components of PPE are protective in nature, then employers should pay for them.**

ISEA believes that employers have an obligation to properly protect employees from all occupational hazards. Uniquely personalized components that are protective, such as winter liners for hard hats, should be handled the same way as any other PPE.

Employers should pay for custom prescription lens inserts used under a welding helmet because safety glasses should be worn when welding. It is not functional to wear street prescription glasses, a protective goggle and a welding helmet. All equipment necessary for employees to adequately perform their jobs should be paid for by the employer.

[Issue 11 – page 15416]

**Employers should pay for replacements under the same terms as they provide initial issue of PPE.**

It is important that any item of PPE be replaced immediately when an inspection reveals that it is damaged or no longer meets its intended use. Manufacturers provide guidelines to assist in making this determination. Employers should pay for these replacements just as they should the initial issue. Exceptions would be appropriate for replacement of lost equipment, or equipment damaged due to misuse or mistreatment.

With regard to prescription safety eyewear, ISEA believes that employers should provide replacements when which the equipment is worn out or when the employee requires a new prescription. A prorated payment system would be appropriate in cases where an employee does not stay on the job for a predetermined period of time.

Thank you very much for your consideration of ISEA's comments.