

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



August 11, 1976

Honorable Lawton Chiles
United States Senate
Washington D. C. 20510

Dear Senator Chiles:

This is in response to the communication from your office, dated July 16, 1976, referring to 198 10, Mr. Artis A. King, Lake Worth, Florida.

The Occupational Safety and Health Act of 1970 (copy enclosed) assigns the responsibility for compliance with safety and health standards to the employer and contains no sanctions which OSHA can enforce against the employee. The employer provides supervision and instructions to his employees to ensure that work is completed in a timely and proper manner. This same supervision should ensure that employees have, and use, safe tools and equipment. In many companies, adherence to safety and health rules is a condition of employment. Employee disregard for these rules is treated with the usual management practice for each company.

Under the Act, and its standards, personal protective equipment must be used when there is reasonable probability of injury that can be prevented by such protective equipment. Employees, when not subject to such probable injury or illness, are not required to be so protected.

I am enclosing a copy of the Occupational Safety and Health Standards applicable to general industry. 29 CFR 1910.132(a), page 23670, outlines the general requirements for personal protective equipment. 29 CFR 1910.135, page 23673, provides specific requirements for occupational head protection.

If I may be of any further assistance, please feel free to contact me. Pursuant to your request, the enclosures are herewith returned.

Sincerely,

Bert M. Concklin
Deputy Assistant Secretary

Enclosures