

U.S. Department of Labor

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



December 31, 1998

MEMORANDUM FOR: Mr. John Jones
Region V - Indiana OSHA

FROM: Russell B. Swanson, Director
Directorate of Construction

SUBJECT: Western Hard Hats

This is in response to your e-mail requesting an interpretation regarding 29 CFR 1926.100, Head Protection. You asked if western hard hats [hard hats with brims] comply with the requirements of this standard. More specifically, you had concerns that the hat presents a hazard because hot items could fall into the brim and get caught or the brim could be struck by something and would cause the hat to easily fall off the employee's head.

Section 1926.100(a) provides that a hard hat must be used to protect against head injury from impact, or from falling or flying objects, or from electrical shock and [electrical] burns. Section .100(b) provides that a helmet for protection against impact and penetration of falling and flying objects must meet the requirements of ANSI Z89.1-1969. Therefore, as long as a helmet meets the 1969 ANSI standard, the helmet is sufficient for purposes of protecting against impact and penetration hazards of falling and flying objects.

A western hard hat complies with the 29 CFR 1926.100 standard for protection against falling and flying objects as long as it meets the requirements of ANSI Z89.1-1969. The impact testing requirements of ANSI Z89.1-1986 are even more specific than the 1969 version of the standard. Since the revised standard is, in effect, more rigorous, our position is that a hard hat that meets the criteria of the revised standard also meets the 1926.100 requirement for falling and flying object protection. The possibility that an object might strike the brim and cause the helmet to come off does not alter the fact that a helmet meeting the ANSI standard meets the section .100(a) requirement for falling object impact protection.

If there is a danger of head injury from something other than falling and flying objects, the employer is obligated under .100(a) to provide head protection against that hazard as well. There is no reference to the ANSI standard in 1926.100 with respect to protecting against these other impact hazards. If these other impact hazards are present, the employer must ensure that the head protection will protect against them. Because of the wide variety and circumstances of these other types of hazards, we cannot say, as a general matter, whether western style hard hats would protect against those other hazards. The protection provided by a western style hat in this regard only comes into question where those hazards are present.

Section 1926.100 does not address burn hazards posed by hot objects. Where an employee is exposed to such hazards, an employer would have to provide protection under 29 CFR 1926.95 (personal protective equipment). There may be circumstances where a hard hat with a brim would make it more difficult for an employer to protect the employee against the burn hazard, or where the brim would increase that hazard. In such a case a brim on a hard hat would be inappropriate. However, we cannot say that, as a general rule, a brim would necessarily increase the risk of being burned (in some situations it might provide protection against a burn).

Products should not bear labels that declare the product has "been approved by OSHA" when the product meets the requirements of an OSHA standard since OSHA does not endorse products.

If you require further assistance, please do not hesitate to contact us again by writing to:
Directorate of Construction -- Office of Construction Standards and Compliance Assistance, Room
N3621, 200 Constitution Avenue, N.W., Washington, D.C. 20210.