

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health
Keeping Washington safe and working

5.09 **Body Armor as Personal Protective Equipment**

Updated: November 28, 2017

I. Purpose

This Directive provides guidance to DOSH staff when involved in enforcement activities related to body armor used as Personal Protective Equipment (PPE). Although not specifically discussed in the standard, body armor is PPE within the context of the general requirements of WAC 296-800-160.

For the purpose of this directive, “CSHO” refers to both DOSH Inspectors and Consultants.

II. Scope and Application

This Directive applies to DOSH operations statewide. This is an update to the version issued on December 22, 2010 and replaces all previous instructions on this issue, whether formal or informal.

III. References

- WAC 296-800-160, Personal Protective Equipment (PPE)
- WAC 296-800-16005, Do a hazard assessment for PPE
- WAC 296-800-16010, Document your hazard assessment for PPE
- WAC 296-800-16015, Select appropriate PPE for your employees
- WAC 296-800-16020, Provide PPE to your employees
- WAC 296-800-16025, Train your employees to use PPE
- WAC 296-800-16030, Retrain employees to use PPE, if necessary
- WAC 296-800-16035, Document PPE training
- WAC 296-800-16040, Require your employees to use necessary PPE on the job
- WAC 296-800-16045, Keep PPE in safe and good condition
- NIJ Guide-0101.06, December 2014, Selection & Application Guide to Ballistic-Resistant Body Armor for Law Enforcement, Corrections and Public Safety

IV. Background

One of the general employer obligations under the Washington Industrial Safety and Health Act (WISHA) is to identify and provide personal protective equipment (PPE) appropriate to the hazards of the job. WAC 296-800-160 requires the employer to assess the PPE necessary to the job, to select and require the use of appropriate and properly fitted PPE, and to ensure that employees are properly trained in its use. The fact that the assessment has been performed and that the training has been provided must be certified in writing.

V. Special Enforcement and Consultation Protocols

DOSH CSHOs are expected to apply the standard as appropriate under the following general guidance:

- A. Because of the nature of law enforcement, any law enforcement employer must assess the need for body armor in order to adequately meet the employer's obligations under WAC 296-800-160, Personal Protective Equipment.

Other employers can reasonably be expected to assess the need for body armor whenever firearms are worn, or whenever the employer can reasonably anticipate that employees may be shot at, in the course of their duties.

Note: See *WRD 5.05, Violence in the Workplace*, for guidance in assessing workplace violence risks.

- B. If the employer assesses and documents a need for body armor, the employer must:

- Provide the necessary body armor
- Ensure the body armor fits
- Ensure that employees are trained in its use and limitations, **and**
- Ensure that it is worn when necessary.

Nothing in this policy prohibits the employer from allowing employees to wear body armor more frequently than required by the employer's policies, provided the employee understands when use of body armor is required by the employer's policy. The employer must determine when body armor is necessary, and require its use at such times.

- C. Although the standard does not enable CSHOs to simply substitute their judgment for that of the employer, the employer's PPE assessment must be credible.

For example, a police department's assessment indicating that its armed police officers *never* have a need for body armor – or that wearing body armor is *always* at the officer's discretion – is unlikely to be accepted as credible.

- D. Employers must replace body armor whenever performance may be compromised or damaged in any way. A manufacturer's warranty should not be interpreted as a benchmark for service life for body armor. Care and maintenance have a greater impact than age on the length of service life of body armor. The manufacturer's care and maintenance recommendations must be followed.

VI. Citations

- A. When the CSHO identifies a PPE violation, he or she must issue the appropriate citation under WAC 296-800-160, applicable to the guidance in *Section V*, above.
- B. Any citation based on a determination that body armor is required or that an employer's body armor assessment and practices are not credible (although they might otherwise meet the requirements of WAC 296-800-160) must be issued only after consultation with the Compliance Operations Manager.

VII. Who to Contact

DOSH staff should contact Technical Services if they have questions or need additional guidance regarding the enforcement policies in this Directive.

VIII. Review and Expiration

This DOSH Directive will be reviewed for applicability, and will either expire or get updated by November 28, 2019.

Approved:



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