

U.S. DEPARTMENT OF LABOR

January 9, 2002

Occupational Safety & Health Administration
1111 Third Avenue, Suite 715
Seattle, Washington 98101 - 3212



This is in response to your letter of December 14, 2001 to Ryan E. Kuehmichel, Area Director in Boise OSHA Area Office, that was rerouted to my attention.

In your letter you requested clarification of OSHA's position concerning requirements for "fire retardant apparel" and asked the following question:

"Does OSHA enforce the National Fire Protection Association NFPA 70E Standard for Electrical Safety Requirements for Employee Workplaces 2000 Edition?"

Discussion

The OSHA standard, Electrical Safety-Related Work Practices Final Rule, was published in the Federal Register (55 FR 31984) on August 6, 1990, and codified in 29 CFR 1910.331 through 1910.335. The NFPA 70E, Part II, in effect at the time of the promulgation of the OSHA standard, was evaluated and used as a base standard in the development of the aforementioned OSHA regulations. Clearly, OSHA's safety-related work practices standards were based on an older edition of the NFPA 70E which did not address flame resistant (FR) protective clothing for employees exposed to the hazard of electric arc-flash.

The OSHA standard 29 CFR 1910.132(d), Hazard Assessment and Equipment Selection, requires the employer to evaluate the workplace for hazards. Based on the employer's assessment, the employer must select and require the use of appropriate personal protective equipment (PPE). Part II of the NFPA 70E, 2000 Edition, contains specific requirements and methodology for hazard risk assessment and selection of protective clothing, and other PPE. The hazard assessment, selection and use of protective clothing and other PPE is intended to protect employees working in the flash protection boundary and exposed to the hazard of electric arc-flash. The NFPA 70E is a consensus industry standard which presents industry recognition of the arc-flash hazard and the need for protective clothing and PPE.

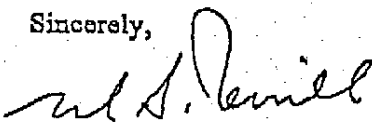
Conclusion

Though OSHA does not, per se, enforce the NFPA 70E standard, 2000 Edition, OSHA considers the NFPA standard a recognized industry practice. The employer is required to conduct hazard assessment in accordance with 29 CFR 1910.132(d)(1). If an arc-flash hazard is present, or likely

to be present, then the employer must select and require employees to use the protective apparel. Employers who conduct the hazard/risk assessment, and select and require their employees to use protective clothing and other PPE appropriate for the task, as stated in the NFPA 70E standard, 2000 Edition, are deemed in compliance with the Hazard Assessment and Equipment Selection OSHA standard.

I hope this information is useful to you. If you need further clarification of this letter, please contact Abe Mutawc, Safety Engineer, of my staff at (206) 553-5930.

Sincerely,



Richard S. Terrill
Regional Administrator

cc: Ryan Kushmichel, Area Director