

104TH CONGRESS
1ST SESSION

H. R. 750

To amend the Occupational Safety and Health Act of 1970 to provide for uniform warnings on personal protective equipment for occupational use, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 1995

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Economic and Educational Affairs

A BILL

To amend the Occupational Safety and Health Act of 1970 to provide for uniform warnings on personal protective equipment for occupational use, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Worker Protection
5 Warnings Act of 1995”.

6 **SEC. 2. REFERENCE.**

7 Whenever in this Act an amendment or repeal is ex-
8 pressed in terms of an amendment to, or repeal of, a sec-
9 tion or other provisions, the reference shall be considered

1 to be made to a section or other provision of the Occupa-
2 tional Safety and Health Act of 1970 (29 U.S.C. 651
3 et seq.).

4 **SEC. 3. FINDINGS.**

5 The Congress finds that—

6 (1) the absence of uniform warnings for per-
7 sonal protective equipment for occupational use risks
8 causes confusion among employers and their employ-
9 ees concerning the proper use and limitations of
10 such equipment and increases worker exposure to
11 workplace injuries and illnesses from lack of proper
12 worker training and consequent misuse of such
13 equipment; and

14 (2) the absence of Federal standards specifying
15 warnings for personal protective equipment for occu-
16 pational uses leaves questions as to the adequacy of
17 such warnings to be determined by different and fre-
18 quently inconsistent State requirements, prohibi-
19 tions, and court decisions, placing an undue burden
20 on interstate commerce in such equipment.

21 **SEC. 4. STATEMENT OF PURPOSES.**

22 It is the purpose of this Act to—

23 (1) increase workplace safety by enhancing em-
24 ployer and employee understanding of the proper use
25 and limits of personal protective equipment for occu-

1 pational use through occupational safety and health
2 standards that establish specific coherent and effec-
3 tive uniform warnings for such equipment; and

4 (2) expressly preempt the application of any
5 State standards, requirements, or prohibitions,
6 whether established by statute, regulation, court de-
7 cisions or otherwise, in any determination of the
8 adequacy of such uniform warnings.

9 **SEC. 5. UNIFORM WARNINGS FOR PERSONAL PROTECTIVE**
10 **EQUIPMENT FOR OCCUPATIONAL USE.**

11 Section 6 (29 U.S.C. 655) is amended by adding at
12 the end the following new subsection:

13 “(h)(1) Not later than 12 months after the date of
14 enactment of this subsection, the Secretary shall issue a
15 final regulation establishing, as occupational safety and
16 health standards, uniform warnings for personal protec-
17 tive equipment for occupational use.

18 “(2) For purposes of this Act—

19 “(A) the term ‘personal protective equipment’
20 means equipment intended for use by workers in a
21 workplace subject to this Act, which equipment is in-
22 tended to protect the eyes, face, head, hearing ex-
23 tremities, or respiratory tract from workplace haz-
24 ards, to function as protective clothing, as a protec-
25 tive shield or barrier, as personal fall arrest or lad-

1 der safety devices, or as safety and health monitor-
2 ing and instrumentation devices; and

3 “(B) the term ‘warning’ means any statement
4 directing or describing one or more actions, proce-
5 dures, or prohibitions relating to the use of personal
6 protective equipment, which statement, if not com-
7 plied with, may result in personal injury or death to
8 the user of the equipment.

9 “(3) Each standard promulgated under paragraph
10 (1) shall prescribe the full text of each warning described
11 in such paragraph and the means by which the manufac-
12 turer or other seller of the personal protective equipment
13 shall communicate each such warning to the employer
14 using such equipment.

15 “(4) Each standard issued under paragraph (1) for
16 personal protective equipment shall—

17 “(A) require the employer to communicate each
18 prescribed warning to each employee using the per-
19 sonal protective equipment, and to train, educate
20 and instruct each such employee in—

21 “(i) the proper use of such personal protec-
22 tive equipment;

23 “(ii) how each such warning applies in
24 such employer’s workplace and such employee’s
25 work environment; and

1 “(iii) the consequences of failing to observe
2 each such warning;

3 “(B) become effective 6 months after the date
4 on which such standards is published in the Federal
5 Register; and

6 “(C) exempt from coverage under such stand-
7 ard warnings for personal protective equipment
8 placed in interstate commerce by its manufacturer
9 before the date such standard becomes effective un-
10 less such manufacturer or other seller of such equip-
11 ment communicates the prescribed warnings to the
12 employer using the equipment as required in such
13 standard.

14 “(5) The Secretary, in promulgating standards pur-
15 suant to paragraph (1), shall consider such factors as the
16 experience of manufacturers using particular warnings
17 and the means of communication of such warnings, as well
18 as human factors and the opinions of workers and experts
19 as to the effectiveness of such warnings and respective
20 means of communication, which information on such fac-
21 tors and opinions shall be submitted as written data and
22 comments during submission under subsection (b)(2) of
23 this section.”.

1 **SEC. 6. PREEMPTION.**

2 (a) IN GENERAL.—Section 4 (29 U.S.C. 653) is
3 amended by adding at the end the following:

4 “(c) Nothing in this section shall be construed to ne-
5 gate the intent of Congress to occupy or regulate the en-
6 tire field of warnings for personal protective equipment for
7 occupational use.”.

8 (b) OTHER STANDARDS.—Section 18 (29 U.S.C.
9 667) is amended by adding at the end the following new
10 subsection:

11 “(i)(1) After an occupational safety and health stand-
12 ard issued under section 6(h) becomes effective, no State,
13 or political subdivision of a State, may, by legislation, reg-
14 ulation, court decision, or otherwise establish or continue
15 in effect, any standard, requirement, or prohibition for
16 any personal protective equipment which has the force and
17 effect of law which is different from, or in addition to,
18 any requirement set forth in any occupational safety and
19 health standard promulgated by the Secretary under sec-
20 tion 6(h).

21 “(2) Notwithstanding the provisions of subsection
22 (c)(2), the Secretary may not approve a plan submitted
23 by a State under subsection (b) of this section, or any
24 modification thereof, if such plan includes any require-
25 ment which is different from, or is in addition to, any re-
26 quirement set forth in any occupational safety and health

1 standard promulgated by the Secretary under section
2 6(h).”.

○